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CORRESPONDENCE

Re-elect Express?

My first thought when I saw your "Re-elect Express?" headline in late August (John Kurzweil, *CPR*, Sept./Oct.) was: this is too optimistic, but now the sub-head prophesy — "Angelides fading" — sounds, if anything, understated. Arnold seems to have captured, for now, the swing vote (those voters who make up their minds on the most superficial considerations; and, if one looks at the candidates superficially, who can be surprised that these voters gravitate toward the photogenic, movie star Terminator and not to the nerdy-looking state Treasurer).

Schwarzenegger also is holding his own Party's base voters. For that, I think he should thank the down-ticket conservative victories in the primaries. The media types who cried over the GOP's "lost opportunity" to reach out to "moderates" after Abel Maldonado and Keith Richman lost their primary races would, I cynically think, have been pleased with a down-the-line statewide GOP ticket offering nothing to conservatives. A better recipe for keeping Republicans home would be hard to come by.

James Franklin
Costa Mesa

Lockyer's trip to the woodhouse

Ray Haynes' column "Lockyer's hot air lawsuit" (*CPR Online*, Sept. 25, 2006) is definitely on to something: "Lockyer's grandstand play," Haynes wrote, "was too much even for the liberal editorial writers at the *L. A. Times*, who, one suspects, know the delicate nature of such hoaxes as global warming, that they can be deflated by too transparent exploitation." I suspect the boys in the *Times*' editorial room were horrified by the attorney general's ham-handed bandwagonning (if that is a word). Their editorial, as Haynes noted, slammed the poor AG for what it called his "politically inspired, headline-grabbing stunt." But why did they select this "politically inspired, headline-grabbing stunt" for denunciation out of the hundreds, nay thousands, of such attempted by left-wing office holders and legislators every session, nearly all of which go unnoticed by members of the *Times*' editorial board?

The editorial itself ("Cars as Global Warming's Causes," *Los Angeles Times*, Sept. 22, 2006) eventually answered the question, after a fashion: "Lockyer is right," it concluded, "about the threat posed by climate change and our society's responsibility to stem the trend. But in this case, he has mounted a silly legal battle that trivializes a serious problem." The only sense in which Lockyer is right is precisely in trivializing this manufactured "crisis" as the fraud that it is — a thing cobbled together out of ignorance and the natural human weakness for seeking scapegoats. Its purpose is to provide mountebanks like Bill Lockyer, and, increasingly, our governor, tools with which to fool the people into giving them their votes. No better description for the whole global warming canard could be imagined than: "politically inspired, headline-grabbing stunt."

But good con men know you cannot be too obvious, not while the mark is only partly sucked into the tale. The *Times* editorial was a good old fashioned trip to the woodhouse for overeager boy liberal Lockyer as punishment for endangering the whole game by making 'way too obvious what it is really all about.

Shirley Long
La Crescenta

CPR

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SACRAMENTO SPECTATOR

Your *Spectator,* not usually one to pat his own back, is willing to make an exception today, noting that it was a full four months ago that this column's readers were alerted to a possible Democrat ticket-wide meltdown. If the disarray, fear, and loathing among the Democrats continued, I opined, they might make possible a Republican landslide in November.

Well here we are in October dear ones, and I am appearing downright prescient if I do say so myself. I hereby do.

Indeed, the Democrats *have* continued the angry sniping and internal disintegration, creating the exact opposite of a unified statewide ticket: a bunch of campaigns deathly afraid and highly suspicious of one another. From the undertaker at the top to the Mecha operative running for Insurance Commissioner — and any nominee in-between — these Democrats do not like each other, do not coordinate with each other, and secretly hope several of their "running mates" lose. Harsh, yes, but heard more then once and in tones 'way above a whisper in several Democrat swank saloons and bistros — visited by me, needless to say, solely in the interest of research.

On the other hand, Republicans, for once, have their act together. While it's not exactly a "let's all hold hands and sing Kumbaya" love fest up and down this ticket, the campaigns at least communicate and cooperate when it makes sense. The glue that holds the promise of a sweep or near sweep together for the ticket is the structure put together by the California GOP and the Schwarzenegger campaign.

The governor has not, and probably will not, appear at a lot of "everybody raise hands" photo-ops with his fellow

GOP statewide nominees. But he, and the state party, are doing something more important: identifying and communicating with GOP voters on their hot button issues, motivating these voters to vote absentee or at the polls. This is the much-touted "micro-targeting" strategy that reaped large dividends for the GOP in 2002 and 2004.

I've heard doubts and guffaws about "micro-targeting" from political pros I respect. But here's the telling thing for me. I've received three separate mail pieces, paid for by the California GOP, urging me to vote "yes" on the parental-notification-before-a-minor's-abortion Proposition 85. Attached to each piece of mail were absentee ballot applications already filled out.

To the best of my knowledge, I am not officially a member of any pro-life organization. I may have donated small amounts of money to them, but that would have been in the past when I lived in a different part of the state. Yet this "micro-targeting" effort has correctly identified me as a Prop. 85 supporter, and has already (as of this writing, a full month before the election) sent me *three* pieces of mail on a matter near and dear to my heart.

If that fairly indicates what is happening across the state — and I realize it may not — then the GOP has an enormously effective campaign going on, one that is "below the radar" of the media and even of the Democrat opposition. It has the potential to drive to the polls hundreds of thousands of "value voters" who, like your *Spectator,* are likely to vote a straight GOP ticket once inside the curtained booth.

So don't be surprised if, on election night, California — in a stark reversal of recent history — emerges as one of the national Republican bright spots. And if it is, remember just where you read it first, and that "micro-targeting" deserves at least some of the credit. — *A.P.C.*

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The Working Press

L.A. Times targets the 'mainstream reader'

Tortured thought sessions and those tiresome white, middle-class, home-owning Democrats.

GEORGE NEUMAYR

CONSERVATIVES OFTEN speak of the "MSM" — mainstream media — contemptuously. But left-wingers — upset that the mainstream media are settling into a gun-shy, cautious centrism — are piling on too. Reporter Daniel Hernandez recently left the *Los Angeles Times* for *LA Weekly*. His reason: He had grown tired of reporting stories according to the paper's "rigid" formula of pleasing white, middle-class, home-owning Democrats, he said in an August interview with *LAist.com*.

"Shortly after I got there, I started having these long, tortured thought sessions with myself about my participation in the MSM. I saw how the people and places the paper chose to cover were automatically political decisions because for every thing you chose to cover there is something you chose to not cover. I started realizing that the mainstream style on reporting the news that most papers employ is not really concerned with depicting the truth, but concerned primarily with balancing lots of competing agendas and offending the least amount of interests as possible," he said.

"I saw how so much was looked at from certain assumptions and subtexts, and a very narrow cultural view. When I raised questions about such things, I was told we were writing for a 'mainstream reader,' which I quickly figured out is basically a euphemism for a middle-aged, middle-class white registered Democrat homeowner in the Valley. From where I stand today, I had very little in common with this 'mainstream reader' and I didn't care to be in this person's service."

Hernandez' point, apparently, is that the mainstream media isn't sufficiently left-wing, and that he itched to write front-page radical editorials. In the good old days, before it grew hesitant under the watchful eye of conservatives, the mainstream media appealed to Democrats in all socio-economic categories.

Public relations executive Mike Sitrick of Sitrick and Company was the subject of a profile this summer in *Los Angeles Magazine*. The piece noted that the scandal-plagued archdiocese of Los Angeles has appeared on his roster of clients. "Accused of molesting children? Call Mike Sitrick," said the piece. Seth Lubove, the Los Angeles bureau chief of *Bloomberg News Service*, is quoted in the piece as saying: "Mike thinks of himself as a brawler. He's the Jew with a chip on his shoulder. Whenever he goes up against a news organization, he sees himself taking on the *goyim*. He's vicious, and he's proud of it. He's not literally a leg breaker, but metaphorically, sure."

In other words, Cardinal Mahony's kind of guy.

BUT THE story observes that Mahony's retention of Sitrick backfired: "That Sitrick's name is usually connected to bad news is problematic ... At times it seems as if the publicist represents a veritable rogue's gallery. 'When a company hires Sitrick, it immediately tells me that they're in a desperate situation,' says Lubove. 'Hiring him indicates that a client is either in deep sh-t or is about to go after someone. Lately, Mike's taken to asking me not to mention him when he calls to plant a story. But that's always a deal breaker. He's now part of the story.' Indeed, when the archdiocese engaged Sitrick, the *Los Angeles Times* played the news

George Neumayr is California Political Review's *press critic.*

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on page one, thereby drawing more attention to the church's problem with sexually wayward priests."

Mahony, who (a leak revealed) once boasted that he had *Los Angeles Times* religion reporter Larry Stammer in his pocket, had no qualms about joining this rogue's gallery in search of favorable media to buy. I once wrote a column for *The American Spectator* about Mahony and his phony handling of the sex abuse scandal, noting that he had dipped into the collection basket to retain Sitrick's PR firm. I had also noted in the piece that Sitrick and Company was known to have represented Enron.

This produced an interestingly defensive response from Sitrick and Company. Allan Mayer, its managing director, wrote a letter to the *Spectator* saying: "I'm curious where George Neumayr got the idea that Sitrick and Company ever represented Enron. His 4/12/05 Media Matters column was the first I've ever heard of it, and I suspect I would know."

I had "got" the idea from a 2002 *AP* story that reported it and I noted this in my reply to Mayer. I didn't hear from Sitrick and Company again.

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According to the San Francisco Chronicle, the once-famous muckraking Mother Jones *is losing readers, editors, and influence.*

According to the *San Francisco Chronicle,* the condition of the radical magazine *Mother Jones* is increasingly wobbly. The once-famous muckraking magazine is losing readers, editors, and influence, according to the paper. Usually liberal magazines prosper after a Republican enters the White House. But *Mother Jones* is finding it difficult to break through the web-dominated media thicket.

Casting about for other explanations for the magazine's feeble impact, the *Chron* reports: "Another problem for the publication, which has been based in San Francisco for all of its 30 years, is geographical. 'In New York, the media is a bunch of reflecting mirrors,' said Deirdre English, who was editor in chief from 1980-86. 'A story in the *New York Observer* will be commented upon in five other publications,' English said. '*Mother Jones* can do something huge and the media doesn't comment.'"

While I'm sympathetic to the idea that nobody on the East Coast would take anything that comes out of San Francisco seriously, I'm not sure that's an adequate explanation for *Mother Jones's* descent into oblivion. After all, *Salon.com,* also based in the Bay Area, causes some ripples on the East Coast, as Virginia Senator George Allen can attest. In September, he wasted crucial campaign time trying to bat down a *Salon.com* story that raked up racial epithets he had allegedly used in college.

Dog bites man is not news; man bites dog is news. That's what reporters are taught in Journalism 101. But perhaps a new cliché will emerge: man bites reporter. That's what happened to San Diego investigative reporter John Mattes in early September.

Mattes was bitten and beaten by a La Jolla couple, Assad Suleiman and Rosa Amelia Barraz. Mattes had been investigating the couple in connection with a

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story he was doing on a real estate scam. Mattes suffered cracked ribs, gouged eyes, cuts to the face, and bite wounds from Suleiman. Barraz, according to news stories, had hoped to use a gun on Mattes but couldn't find one in time for the beating.

Naturally, the episode was captured on tape, and since Americans enjoy watching reporters and other hapless people beaten, it became a sensation on the Internet. According to the *San Diego Union-Tribune,* one web site advertised the tape as: "This video has it all! Bloody reporter, bleeped profanity, cops with guns drawn, you name it!"

But Mattes remains philosophical. "The great thing is, this is America," he told the *Union-Tribune.* "People can make money off a beating."

The *Los Angeles Times* appears recently to have taken on the job of political damage control when wayward liberal office holders and candidates wander too far from the *actual* political mainstream. After Attorney General Bill Lockyer announced he was suing America's automobile manufacturers for contributing to the supposed "nuisance" of greenhouse gases in what was roundly denounced as a legally groundless grandstand play to aid his state Treasurer campaign, a *Times* editorial chimed in deriding the gambit as a "headline-grabbing stunt."

Now the *Times* has featured as its main Monday morning (Oct. 9) political story a report headlined: "Angelides Seen as a Drag on the Party" and sub-headed: "Democratic leaders, saying he has failed to redefine a campaign that thus far has gone badly, fear repeating the '94 ticket-wide collapse." After reporting that down-ticket Democrat John Garamendi recently disagreed publicly with Angelides on hiking taxes, the *Times* quoted Democrat strategist Garry South talking

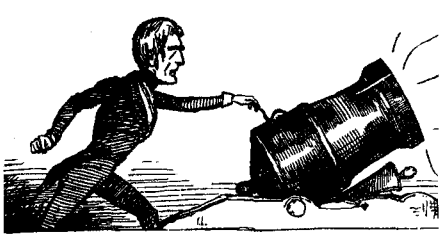
WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

At the close of an amazing 2006, freedom-loving Californians owe thanks to: the state's pro-gun groups, the governor and his staff, Assm. Jay LaSuer (R), Sen. Dennis Hollingsworth (R), and even "D" Assemblywomen Nicole Parra and Gloria Negrete-McCloud — thanks for calling a halt to recent history.

In California, once upon a time, law-abiding citizens owned any type of firearm. High school shooting teams were normal and children hunted on their way to and from school — no one thinking anything about it. But in 1975, Sen. Alan Sieroty assaulted the Second Amendment with a handgun ban, soundly defeated by Sen. H.L. Richardson's newly-founded Gun Owners of California (GOC), but the war was on. From '75 to '89, GOC battled the gun-haters, beating Prop. 15, another handgun ban, in 1982, and defeating the Dean of the liberal left, Sen. Al Rodda. In two elections GOC gave more money to candidates than the GOP. Almost no anti-gun laws made headway in the Capitol. From statehood (1850) until 1989, California honored the Second Amendment.

Then in 1989 deranged maniac Patrick Purdy perpetrated his infamous school-yard shooting, and Second Amendment haters rode the emotional tide to pass an "Assault Weapons" ban. Gov. George Deukmejian, disastrously, signed it. The tyranny-friendly flood began: a second so-called "assault weapons" ban, an anti-"Saturday Night Special" law mislabeled the Safe Handgun Act, loaded chamber indicator and magazine disconnector requirements — anything to erode the peoples' rights ... until now.



This year we defeated Paul Koretz' firing pin microstamping, bullet serialization AB 352, a threat to end all ammunition and semi-auto handgun sales. Even some of the Assembly's most liberal members couldn't swallow it. Schwarzenegger vetoed the remaining anti-gun bills, signed several good bills, and changed history. The governor has kept his word on gun laws. Before the recall, he said he would ban .50 BMG caliber rifles. He did. He also said we have enough gun laws, that it is time to enforce them. He has acted accordingly. Now we'll see whether history stays its new course. CPR

Sam Paredes is executive director of Gun Owners of California.

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about what happens "when the top of the ticket collapses" and advising "triage" — meaning "a shift of party resources from Angelides to the races of lieutenant governor, secretary of state, and controller" — as clear a broadcasting as the paper could make that the time has come for the rats to give up the sinking ship.

This could be just the *Times* trying to bring balance to its campaign reporting. On the other hand, all those white, middle-class, home-owning Democrats out there sometimes need precise marching orders, especially when the political leadership fumbles the ball. Recently they've been instructed to dismiss from their minds both Bill Lockyer's embarrassing stunt and Phil Angelides' embarrassing campaign and to move on to salvage what is left of the November Democrat ticket. Republicans can only envy the Party that receives such timely, mass-produced GOTV encouragement just when the ground troops are feeling down and, just possibly, thinking of giving the whole election a pass. CPR

The Law

Liberal compassion: missing in action?

The Legislature holds a kangaroo court on Prop. 90, inviting not one property owner to testify.

TIMOTHY SANDEFUR

In early October, I was asked to testify to a joint committee of the California Legislature at a hearing regarding Proposition 90, a statewide ballot initiative that would restrict the government's use of eminent domain and require compensation for certain regulatory takings. The hearing was billed as an "informational hearing," and I had been asked as a neutral attorney to explain the legal effect that the initiative would have, if passed.

But far from gathering information, the hearing turned out to be a kangaroo court, all too typical of the gamesmanship that has distracted the Legislature from the public's overwhelming outrage regarding the Supreme Court's notorious *Kelo* decision. At the hearing, only a single proponent of the initiative was invited to speak, while six opponents were given time to address the committee. The committee did not invite a single property owner. Even more remarkable, the committee was given a 10-minute "objective" analysis by an attorney from Best, Best, and Krieger, a law firm that has contributed $25,000 to the campaign against Prop. 90 — a fact the attorney admitted that he had not disclosed to the committee.

The remaining speakers were given two minutes each, and the presentations included some remarkably misleading statements. One environmental activist said the initiative would require the state to compensate property owners for actions taken by the California Coastal Commission. In fact, the initiative explicitly grandfathers in all existing laws, including the Coastal Act.

Unfortunately, legislators evidently feel compelled to resort to such show trial tactics. A legitimate debate over Prop. 90 is waiting to be heard. The measure has both genuine weaknesses and genuine strengths. But an objective examination seeking the truth about the measure could go either way — depending on the evidence gathered and honestly weighed — and these legislators seem determined to take no chances on the outcome of their phony debate.

By large majorities, Americans, including Californians, oppose the Supreme Court's decision that local officials may seize homes and businesses through eminent domain and transfer the property to private de-

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Timothy Sandefur is a staff attorney at the Pacific Legal Foundation and author of Cornerstone of Liberty: Property Rights in 21st Century America *(Cato Institute, 2006).*

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velopers for the developers' own use. But in the 15 months since *Kelo* was decided — during which 26 states enacted new legislation to restrict the government's ravenous appetite for land — California has done virtually nothing. Despite polls indicating that Californians overwhelmingly desire new protections for property rights, no legislation addressing their concerns emerged until September 29 this year when Governor Arnold Schwarzenegger signed a handful of bills that he claimed would protect property rights. Close inspection, however, indicates that even these long-delayed new laws are little more than window dressing.

UNDER CURRENT LAW, city officials can declare a neighborhood "blighted" if it meets certain statutory standards. Once blight has been declared, any property in that neighborhood can be taken and handed over to new owners — even if the property itself is not blighted. Unfortunately, the standards for defining "blight" are so vague that virtually any land in the state can be targeted for "redevelopment." Worse, once an area is declared blighted, that designation is essentially permanent; cities can renew them indefinitely, merely by declaring that the neighborhood is still in need of redevelopment. Courts, meanwhile, give so much deference to local officials that property owners have no realistic chance at getting a judge to protect their rights.

The five bills signed in September are supposed to fix some of these problems, but in fact change practically nothing. A good example is SB 53, which requires each redevelopment agency to adopt a plan that "may prohibit the agency from acquiring by eminent domain specified types of real property, including ... residential property."

Notice the "may." Under this permissive language, cities retain almost unchecked power to decide whether or not to take a person's home or business and give it to Costco, Wal-Mart, or some other company. And while the bill also claims to put certain time limits on redevelopment — for example, a 30-year deadline for "the effectiveness of the redevelopment plan" — a vote of the city council can extend the limits. What SB 53 seems to give with one hand it takes back with the other, achieving nothing to end eminent domain abuse.

The same is true of SB 1206. This bill purports to correct the vague definition of "blight," but while it fixes some of the most egregious problems, it does far too little to make a real difference. The law creates two sets of criteria: a neighborhood is considered blighted if bureaucrats decide it has one item from column A and one item from column B.

Column A (in part): Conditions that prevent or substantially hinder the viable use or capacity of buildings or lots ... [such as] obsolete design ...

Adjacent or nearby incompatible land uses that prevent the development ... of the project area.

The existence of subdivided lots ... whose physical development has been impaired by ... inadequate sizes, given present general plan and zoning standards and present market conditions.

Column B is similarly vague. It includes "abnormally low lease rates," a "lack of necessary commercial facilities," and "a high crime rate." Since only one item from each category is required, a neighborhood can be declared blighted — and any land there seized — whenever the politicians decide it has "incompatible land uses" and "abnormally low lease rates."

The difference for property owners from previous law is too little to matter and, anyway, enough vagueness remains to allow officials to do largely as they please. Allowing government to take property whenever it "prevents" the "viable use" of a "lot" in comparison to the "present general plan" is a wide-open invitation to officials to wipe out neighborhoods by adopting a general plan that includes a favored developer. And due to the extreme deference that courts give to city officials, phrases like "nearby incompatible land uses that prevent development" essentially means whatever the government says it means.

A third bill, SB 1210, requires government to pay a person's attorney's fees whenever the court finds that the government failed to offer the owner a "reasonable" payment for the land. But the law fails to define "reasonable," so this is unlikely to make a real difference. Other protections provided by this law only affect residential property, not small businesses — the most common targets of eminent domain abuse.

SB 1210 ALSO FAILS to address the oppressive terms of California's "quick take" rules, which allow government to seize land and deposit into an account controlled by the court an amount bureaucrats decide is a "probable" level of just compensation. Property owners must then choose: if they touch the money, they waive their right to challenge the condemnation. Under such harsh terms, most people can't afford to defend their rights.

The last two laws do even less. SB 1650 would limit government's power to change the use for which

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property is taken, but this does little to protect those whose land hasn't yet been seized. The new law does require government to use condemned property within 10 years, or resell it to the original owner — but this deadline, too, can be extended by a vote of the city council.

Finally, SB 1809, would require disclosure to property owners when their property is in a redevelopment area. Disclosure is often helpful, but it hardly prevents eminent domain abuse.

The problem, as Justice Sandra Day O'Connor noted in her *Kelo* dissent, is that under today's law, "the specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

So far, with a few outstanding exceptions, California's political leaders have done nothing to solve this problem. Instead, they appear more interested in gaming the system than in having a serious public discussion over the government's abuse of private property rights. CPR

Those in power over us

Fear-filled vision

The economy may be the global warming hoax's first casualty, but the ultimate target is science.

M. DAVID STIRLING

The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be lead to safety), by menacing it with an endless series of hobgoblins, all of them imaginary.

— H.L. Mencken
journalist and author

WHEN I BEGAN composing this article, it was going to be about California Attorney General Bill Lockyer's lawsuit against the auto manufacturing industry for contributing to global warming through the exhaust emissions of the cars they make. But I was sidetracked by an *ABCNews.com* headline that came across my PC screen. "Earth Headed for Warmest Temps in a Million Years," it declared, followed by the statement: "In about 45 years, temperatures on Earth will be hotter than at any time during the past million years, says the U.S. government's top climatologist in a new report released today [September 26, 2006]."

ABCNews.com describes leading global warming climatologist, Dr. James Hansen, as reporting that "the planet is just two degrees shy of an average temperature of 59 degrees Fahrenheit, which is what [he] believes the temperature was about a million years ago." According to Hansen, "[b]ased on a 'business as usual' scenario in which greenhouse gases continue to rise unabated," earthlings will "break the million-year-old record in about 45 years."

Excuse me while I shoo away those "hobgoblins" who are doing a zany dance all around my screen. I mean — in about 45 years; just two degrees shy; average temperature of 59 degrees; warmest temperatures in the past million years. Come on! How can he possibly know that? One doesn't need a scientific background to recognize that this is, at best, science fiction, and at worse, "politicized science," *i.e.*, a scientific statement presented to achieve a political objective. In either case, such specificity about the earth's temperature one million years ago is ludicrous.

Mr. Stirling is vice president of Pacific Legal Foundation, the nation's leading public interest legal organization in the defense of limited government, private property rights, and balanced and common sense environmentalism. www.pacificlegal.org

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In his scientific report, Dr. Hansen takes the unusual step of criticizing human-induced global warming disbeliever Dr. Michael Crichton, M.D., who, in the non-fiction portion of his best-selling novel, *State of Fear,* questions Dr. Hansen's global warming premises and predictions. Hansen expresses indignation that Crichton is not a "climate expert." While that is true (although Crichton has seriously studied the subject with regard to global warming), the author of *Jurassic Park, The Amdromeda Strain,* and 19 other fiction and non-fiction books, graduated from Harvard University *summa cum laude* in anthropology, taught anthropology at England's Cambridge University, and graduated with a medical degree from the Harvard Medical School in 1969. In a 2003 lecture at Caltech, Dr. Crichton warned the scientific community: "once you abandon strict adherence to what science tells us ... you [can] subvert science to political ends." He also pointed up the dangers of "consensus science," especially as practiced with regard to such popular, but disputed, theories as global warming.

THE POLITICS OF GLOBAL WARMING

In the global warming debate, there are two sides; each sees the world in entirely different ways. The Global Warming Doomsayers, lead by the outspoken Dr. Hansen, and taken on the road by Al Gore with his film *An Inconvenient Truth,* say the continued burning of fossil fuels and buildup of carbon dioxide will cause drastic climate changes and reactions. Those reactions will include more frequent and powerful hurricanes, more intense and prolonged heat waves, droughts, an increased threat of wildfires, declining Sierra snowpacks with less water for California water users, greater amounts and extended periods of precipitation causing flooding, melting Arctic and Antarctic ice causing a rise of 20 feet in sea level, shrinking and eventual loss of ocean coral, the extinction of hundreds of wildlife species, worsening urban air pollution, and human starvation. Mr. Gore predicts "deaths from global warming will double in just 25 years — to 300,000 people a year."

IF SUCH drastic predictions sound a bit familiar, it is because we heard similar ones about 30 years ago. In a piece titled "Don't Be Very Worried," Pete du Pont of the National Center for Policy Analysis reminds us: "After the first Earth Day [1970], the *New York Times* predicted 'intolerable deterioration and possible extinction' for the human race as the result of pollution. Harvard biologist George Wald predicted that unless we took immediate action 'civilization will end within 15 to 30 years,' and environmental doom-

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sayer Paul Ehrlich [author of *The Population Bomb]* predicted that four billion people — including 65 million Americans — would perish from famine in the 1980s." (http://eteam.ncpa.org/commentaries/dont-be-very-worried)

EVEN THOUGH its earlier supposedly scientific predictions failed to materialize, the doomsayers of Team Global Warming attract a large, impressive lineup, including most of the major media. Having dropped all pretense of objectivity, the big networks and major newspapers continuously disseminate the global warming message in news stories and editorials ("Most researchers agree ...") — while minimizing those who hold serious doubts ("However, a few skeptics say ..."). *CPR's* sister publication, e-mailed news bulletin *Capitol Watch,* quoted a *San Francisco Chronicle* article by environmental reporter Jane Kay that states without reservations, "Global scientists agree that to prevent catastrophic temperature increases in this century, greenhouse gas emissions by 2050 would have to be 70 to 80 percent lower than 1990 levels." Seldom do large urban newspapers provide their readers with even a guest commentary by a credentialed climate expert who disagrees with or questions the politically correct line on global warming. This is, of course, the same media that in the 1970s passed along, also without reservations, the predictions of scientists certain that "global cooling" threatened a new ice age.

WELL-HEELED DOOMSAYERS

The large, well-financed environmentalist organizations have been among Team Doomsayers' earliest and most reliable players: The Natural Resources Defense Council (which launched the unfounded "Alar scare" in 1989), the Sierra Club (whose opposition to forest thinning has enabled some of the most horrendous wildfires to devour millions of forest acres and countless species), and Environmental Defense (whose efforts brought about the ban of DDT that causes more than one million sub-Saharan Africans to die each year from mosquito-carried malaria). Now each of these organizations have tied their "anti"-campaign against business, technology, and growth to the global warming agenda. Through their web sites, press releases, and endless mass mailings, they market the global warming line to millions of potential believers.

Team Doomsayers' roster also includes a collection of liberal multi-millionaires who commit their vast financial resources to promoting its political agenda. In 2001, just after President Bush refused to sign the United States on to the Kyoto Protocol (correctly predicting, as the European signatory countries are discovering, that it would do substantial harm to the national economy), wealthy ketchup heiress Teresa Heinz Kerry, wife of Massachusetts Senator John Kerry, presented Dr. Hansen with a $250,000 Heinz Foundation Award for his work on climate change. In late October 2004, just before the tight Bush/Kerry presidential election, Hansen accused the president of ignoring growing global warming evidence that the sea level could rise dangerously unless prompt action was taken to reduce CO_2 emissions from the burning of fossil fuels ("80 feet in a few centuries," as he recently put it on ABC's "Good Morning America").

Movie mogul Stephen Bing recently gave a record $40 million to the campaign for November's Proposition 87, a measure that would severely reduce California oil production. So concerned are Bing, venture capitalists John Doerr, Vinod Khosla, and other pro-87 funders that oil use is causing global warming that they are pushing ethanol and solar energy as quick replacements. But if they succeed in reducing oil production before the alternative energy sources can replace it, not only will California's economy suffer but Californians' quality of life will be hurt severely. (*See:* "Pain Therapy, Taking the Prop 87 Cure," M. David Stirling, *CPR,* Sept./Oct. 2006.)

It's one thing — usually healthy — for scientists to argue over scientific questions. But when politicians make decisions and take action in areas that scientists have not yet resolved, their selective use of "the data" politicizes science; lends a false appearance of scientific respectability to larger, more costly, and more intrusive government; and brings counterproductive economic, employment, and quality of life results for the people to endure.

Governor Arnold Schwarzenegger has made global warming a centerpiece of his reelection campaign. Declaring the palpable falsehood that "[t]he science is clear. The global warming debate is over. We have a responsibility to act now," he signed Democrat Assembly Speaker Fabian Nunez' AB 32, thereby joining every Democrat member of the Assembly and Senate in backing a bill that won only one Republican vote in either house. AB 32, which arbitrarily commits California to reduce carbon dioxide emissions by 25 percent by 2020, is the equivalent (as *Sacramento Bee* political commentator Dan Walters wrote) of "ratifying the Kyoto greenhouse gas treaty that the Bush administration has shunned."

Walters opened his column observing that "Politicians — especially those seeking re-election — love

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symbolic acts that send attractive messages without, or so they hope, any political or financial cost." A September 11 *Wall Street Journal* editorial titled "California Dreamin'" pointed out, as all parties supporting AB 32 privately admit, that by 2020 California will account for only 1.3 percent of total world-wide CO_2 emissions. China, by contrast, is expected to have increased its CO_2 emissions to more than 22 percent (surpassing the entire United States) and, even if California reaches its AB 32 goal, it will have reduced world CO_2 emissions by a mere 0.3 percent.

BUT THIS new law will not be entirely without effect. On the contrary, as the *Journal* reported, AB 32, piling on top of California's already high energy prices and strict pollution controls, will drive utility companies out of the state and force those that remain to pass on their higher energy costs to consumers. Calling it a "lose-lose" proposition, California Chamber of Commerce President Allan Zaremberg — head of the state's largest business employer organization — called 32's "cap on carbon emissions ... a cap on economic and job growth ...."

Speaking of piling on, we have Attorney General Lockyer's automaker lawsuit. It accuses the automakers' "millions of vehicles that collectively emit massive quantities of carbon dioxide" of creating a "public nuisance" — global warming — that has damaged California's resources, infrastructure and environmental health.

Lockyer's suit flies in the face of a New York federal judge's ruling last fall dismissing a similar "public nuisance" suit filed by Lockyer, seven other state attorneys general, and the city of New York against several Midwest electrical power energy producers. The court ruled that their claim was a national issue for the political branches of government, not a legal issue for the courts. During this term, the U.S. Supreme Court will hear argument on whether California (again, through Lockyer), 11 other states, and major environmental groups can compel through court action the U.S. Environmental Protection Agency — when EPA disputes the Doomsayer scientists' position that CO_2 contributes to global warming — to limit emissions of carbon dioxide and other so-called greenhouse gases from cars and factories anyway.

Lockyer hopes an activist judge might let him take the case to a jury where Doomsayer scientists can testify to the world that auto manufacturers, oil companies, electrical power generators, and other industrial pro-

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ducers are polluting the planet and, as he said at the press conference, should pay "tens or hundreds of millions of dollars" for doing so. Both the Sierra Club and the Center for Biological Diversity immediately issued press releases praising Lockyer's "bold action." CBD declared that "Corporations profiting from global warming pollution should be held responsible for the profound damage they are causing."

THE SCIENCE

The major media largely ignores the other, politically incorrect side of the global warming debate. Yet it is an optimistic, positive message, albeit one conveying substantial irritation at what the Doomsayers are doing to science. A distinguished global warming skeptic is Dr. Richard Lindzen, Ph.D., professor of Meteorology and Oceanography at the Massachusetts Institute of Technology. Dr. Lindzen firmly believes the climate change debate has been corrupted by politics, the media, and money.

"It's a sad story, where you have scientists making meaningless and ambiguous statements [about climate change]. They are then taken by advocates to the media who translate the statements into alarmist declarations. You then have politicians who respond to all of this by giving scientists money (by way of grants]." Suggesting that the marketing of scientific research has become like marketing the news, Dr. Lindzen says, "[t]he research and support for research depends on the alarm." He laments the truth of Nazi propagandist Joseph Goebbles' observation that even a lie will be believed if it is repeated often enough. "There is little question that repetition makes people believe things [for] which there may be no basis."

ANOTHER LEADING skeptic of human-induced global warming is Dr. S. Fred Singer, Ph.D., distinguished astrophysicist and professor emeritus of environmental science at the University of Virginia. In his book, *Hot Talk, Cold Science* — one of 14 he's authored on climate science and environmental issues — Dr. Singer observes that between 1900 and 1940 earth's average temperature warmed substantially; then, from 1940 through 1975, the temperature cooled again. In the 1970s, "global cooling" led to predictions of a coming ice age. Then again, in 1975, the cooling stopped, followed by concerns about global warming. He has monitored satellite temperature readings for decades, saying he has confidence in satellite readings "because satellites measure the globe from South Pole to North Pole daily, with the same or similar instruments." His steady watchfulness has revealed no substantial warming since 1979.

The most vocal of the skeptics is Dr. Bill Gray, Ph.D., emeritus professor of Atmospheric Science at Colorado State University, and pioneer of hurricane forecasting science. He agrees, like the other politically incorrect scientists, that some global warming is occurring, but concludes that humans are not the cause. The Doomsayers have "been brainwashing us for 20 years," he says, "[s]tarting with the nuclear winter, and now with global warming." He says "[t]his scare will also run its course. In 15 to 20 years, we'll look back and see what a hoax this was." Doomsayer scientists dismiss Dr. Gray and his seasoned fellow skeptics as "senior scientist[s] whose view is out of step with a lot of [their] colleagues." Dr. Gray labels global warming "a baby-boomer, yuppie thing."

Last year's resignation of esteemed climate change scientist Dr. Christopher W. Landsea, Ph.D., from the Intergovernmental Panel on Climate Change (IPCC) revealed the extent to which irresponsible, unscientific politicking has infected the scientific community on the global warming question. The IPCC is the official international organization of climate researchers. Every few years it summarizes how climate is changing and how it may be altered in the future due to manmade global warming. An "Open Letter to the Community from Chris Landsea," (http://www.lavoisier.com.au/papers/articles/landsea.html), described events that occurred after Landsea was asked by a lead IPCC representative to provide a write-up for the IPCC report on Atlantic hurricanes. Before his research or conclusions were provided to the panel, the scientist who had invited Landsea's participation took part in a high-visibility press conference on the topic: "Experts to warn global warming likely to continue spurring more outbreaks of intense hurricane activity." Dr. Landsea's "Open Letter," noting that "none of the participants had performed any research on hurricane variability," pointed

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out that "[a]ll previous and current research ... has shown no reliable, long-term trend up in the frequency or intensity of tropical cyclones, either in the Atlantic or any other basin ... *Moreover, the evidence is quite strong and supported by the most credible studies that any impact in the future from global warming upon hurricanes will likely be quite small." (emphasis added)*

Landsea harshly criticized not only the apparently intentional misrepresentation of research findings about global warming but also what it implied about the IPCC's scientific integrity and its ability to engage in creditable science at all. He wrote that statements made at the press conference were "so far outside of current scientific understanding" it would be difficult for the IPCC process to proceed objectively. He wrote that when he raised the issue with IPCC higher-ups, "their response was simply to dismiss my concerns." He concluded: "I personally cannot in good faith continue to contribute to a process that I view as both being motivated by pre-conceived agendas and being scientifically unsound."

AMERICA'S VASTLY IMPROVED ENVIRONMENT

While the Doomsayers wring their hands over global warming, the 2005 and 2006 editions of the Pacific Research Institute's *Index of Leading Environmental Indicators* (compiled by Senior Fellow Steven F. Hayward, Ph.D.) highlight numerous examples of the nation's vastly improved environmental health. For example, Dr. Hayward reports that:

- dangerous smog days in the City of Los Angeles fell from 192 a year in 1975 to 27 in 2005;
- between 1970 and 2004, total nationwide emissions (from EPA statitics) of carbon monoxide, nitrogen oxide, sulphur dioxide, and lead dropped 55.8 percent, 30.1 percent, 51.37 percent, and 98.6 percent, respectively;
- volatile organic compounds (VOCs, which create ozone) from car and truck emissions have declined 73.8 percent since 1970 even though total cars and trucks have doubled in that time while total miles driven has increased 181 percent;
- the nation's forest land expanded by 9.5 million acres between 1990 and 2000 and forest researchers estimate that North America has more trees now than when Columbus arrived;
- wetlands (that were declining by 500,000 acres a year at mid-century) have shown a net increase, at least on private land, of about 26,000 acres per year between 1997 and 2002 (according to the National Resources Inventory); and
- the population of grizzly bears, an endangered species except in Alaska, which numbered 200 in Yellowstone National Park in the 1980s, is more than 600 today and growing between 4 and 7 percent a year, while bald eagles, numbering less than 500 nesting pairs in the mid-'60s, are now estimated at more than 7,500 nesting pairs.

Although the Global Warming Doomsayers never offer positive information, the truth is that, environmentally speaking, our country has made great improvements during the last third of a century.

READERS MAY get an idea of what life under the Doomsayers' regime would be like from an interview with Al Gore conducted by Australian broadcaster Andrew Denton. Asked how he squared *An Inconvenient Truth's* CO_2 admonitions with his traveling around the world aboard a jet aircraft emitting CO_2, the former vice president uttered a priceless response: *For the CO_2 [emissions] ... represented by my portion of that flight, I go into this emerging marketplace for off-sets, and purchase verified, validated reductions in CO_2 by an amount that more than compensates for the quantities that I'm responsible for. There is a Web site that accompanies the movie and book, climatecrisis.net, that has a carbon calculator that individuals can use to calculate exactly what the magnitude of CO_2 that you're responsible for in your own lives – how to reduce, how to find the offsets – if you desire to become a carbon neutral.* ("Carbon Neutral," *Washington Times, National Weekly Edition),* September 25, 2006, p. 6.)

Contrast Gore's feel-good nonsense with some real-world wisdom from Dr. Fred Singer: "Energy is the lifeblood of economic growth. Any time you restrain the use of energy, any time you force people into situations where energy becomes more expensive, or where you have to ration energy ... you're clipping economic growth, and you're reducing the number of productive jobs." The cost to the United States of signing on to the Kyoto Protocol's reductions in CO_2 emissions (still the ultimate objective of the Doomsayers) would be $300 billion a year, as estimated by the federal Energy Information Administration. And the benefits, according to Dr. Singer, would be a paltry "two hundredths of a degree, one fiftieth of a degree ... You don't have to be an economist to know what to do in that kind of situation. This would mean for the United States ... that we would have to reduce our energy consumption by 35 percent. That's one third. That would be a tremendous blow to the economy." ("Climate Facts, Not Fear – Scientist Refutes Global Warming Alarmists," Speech to the John Locke Foundation, July 12, 2006.) CPR

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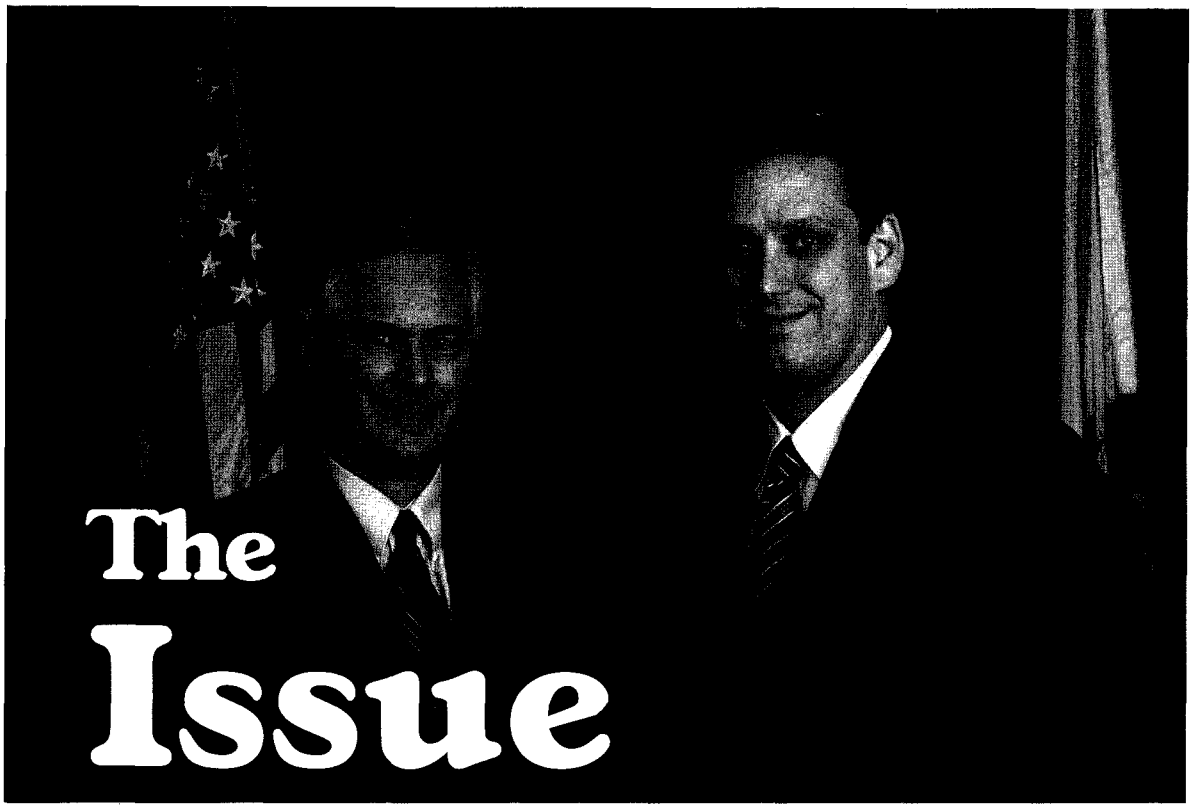

The Issue

Beyond the campaign spin, theme, and hype ... What the election will decide.

John Kurzweil

Long ago, I landed a job on the 1976 Ronald Reagan presidential campaign. I was working, I believe, in Michigan when I met a Russian emigre — an escapee, really, of the Soviet Empire — who told me of a speech he had witnessed by Joseph Stalin. Stalin, he said, stood at an outdoor podium in the dead of winter in Moscow. Clad in a heavy overcoat in the sub-zero weather, he was holding a live chicken and plucking its feathers as he explained his philosophy of government and politics: take from people, Stalin said, every means to care for themselves and — although it might surprise you — they will do little grumbling. Rather, they will come to you when you offer them a haven.

John Kurzweil is editor of California Political Review.

As he said this, the by-then naked chicken huddled for warmth the only place it could find it — inside the great tyrant's coat. Stalin, you will recall, was the communist who starved 20 million in the course of forcing collective farming on the people of the Ukraine.

I was reminded of the Russian's story the other day when I read about a new state law — which was passed last session as Senate Bill 1578 by Sen. Alan Lowenthal, Democrat of Long Beach — making it a crime to tether a dog to a tree, fence, doghouse, or other stationary object for more than three hours, punishable by a fine of as much as $1,000 per dog and up to six months in jail.

Now, although the punishments appear excessive — to me at least — obviously *they* were not what put me in mind of Joe Stalin and mass

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murder. Actually, what did it was the debate that, according to the *Sacramento Bee*, accompanied the bill's passage. "This bill," a supporter said, "helps protect dogs from cruelty, and enhances public safety by preventing aggressive animal behavior that can result from inhumane tethering." Duly giving the other side, the *Bee* reported that "opponents disputed claims that tethering creates dangerously aggressive dogs. They argued that fencing is not always available, so tethering may be the best and safest option."

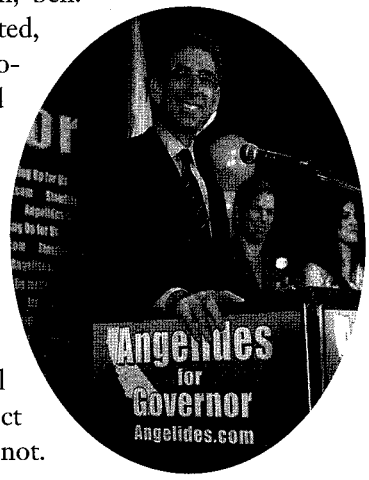
This little debate, typical of those that happen a hundred times a day in Sacramento, is, I think, revealing. To me, if you will permit my personal observation, it is the ancient people of the Bible approaching Solomon or Athenian patricians addressing the august oracle, pleading their cases and awaiting judgment from on high. I mean, must we now go to Sacramento for instruction on every question of our day-to-day lives?

Even if California's Legislature conveyed anything remotely resembling the wisdom of Solomon or even of an august oracle — which, as any honest person who works there would assure you, it does not — this bill begs the question: are the supposedly free people of our state, citizens of a nation built on the principle that they, the people, are in charge — not just of themselves, but of their government whose legitimacy depends absolutely on it continuing to serve *them* — are such people now judged too foolish to decide for themselves about tethering their own dogs?

Ask state Sen. Alan Lowenthal; ask his fellow Democrats who passed this bill. Ask state Sen. Sheila Kuehl who once told Republican state Sen. Tom McClintock that people have no rights of any kind except to their own thoughts — as long as they keep them to themselves and don't try to act on them.

The first point I'd like to make is that, yes, these Democrats *do* believe we are too foolish to decide for ourselves about tethering our own dogs — or about anything else, and that they are involved, when they impose on us bills like this, not in serious policy making, but in hammering home, as often as possible, that they, in fact, *are* the oracle, that they are our Solomon — whether we think so or not. After all, if we are too dumb to decide about our dogs, how can we decide the more difficult question of how best to govern ourselves and our state?

Lest anyone think I give short shrift to legitimate concerns about animal cruelty, I note that it has long been illegal in California to engage in cruelty to animals. In addition, Sen. Lowenthal himself, the *Bee* reported, assured the critics that his bill provides exceptions for dogs tethered to comply with camping requirements, or engaged in shepherding, or employed in herding, or various other activities evidently too many to enumerate.



But — then — what is left for Lowenthal's law to do? Does animal protection require individual laws banning every imaginable act of cruelty one by one? Obviously not. Do we, on the other hand, require a never-ending series of silly nuisance laws to hammer home the point that Sacramento is our final arbiter, our oracle, our Solomon? We do if we want to convince large numbers of Californians to accept this tyrannical premise.

Which brings us back to Stalin: the crudest part of his demonstration was the physical abuse of the unfortunate chicken. The much more sophisticated and really insidious element was its psychological conditioning.

Creatures deprived only of warmth may seek it in a tyrant's embrace for a while, but will go their own way again as soon as any other source of warmth offers itself. But rob that creature of the instinct for self-determination, train him to think of himself as lost and adrift on the trackless ocean and of his masters as his life raft, disable him altogether from thinking like an American with inalienable rights — including the right and duty of self-government — do that, and not only will he cease to look for ways to regain his freedom, he will actively seek out tyranny. He will beg it to bury him.

Bills proposed by legislative Democrats — proposed by the hundreds — carry this message. They work to thwart the people seeking to find the means even to survive, much less flourish, on their own, without the benevolent hand of government. Consider just one category — anti-job, anti-business bills all recently proposed by

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Democrats and all certain if enacted to undermine Californians' ability to fend for themselves economically and, worse, to undermine our faith in the very concept of a free society:

• one to require California employers to subsidize a strike against their own companies by providing unemployment insurance benefits to workers "unemployed" due to a strike;

• another employer strike subsidy bill creating a new penalty payment, equivalent to all lost wages and benefits, that goes directly from employers to all workers — again — "unemployed" due to the strike. These bills recall those liability laws that let burglars sue homeowners when they fall off your roof while trying to break in to your home to steal you blind;

• a roll-back of recent workers' comp reforms; a government-run, non-voluntary health care system for California; a requirement that employers of 10,000 or more employees spend 8 percent of their total payroll either on health care or give it to the state; a slew of bills imposing more stringent price controls on the labor market (called "increasing the minimum wage," each of these bills merely outlaw jobs that are worth less than arbitrarily state-imposed pay floors); a ban on development in the Central Valley — yes, the whole Central Valley — by requiring the creation of a 200-year flood standard the state Chamber reports is impossible to achieve ...

And on and on — controls on the fuels we use and the metals in our electronic devices, on building superstore retail outlets, lots more new price controls imposed on various industries, more regulation of the telecommunications industry, prohibitions on growth unless it can be proved no net negative impact on air quality will result — had enough?

But wait! There are all the new Democrat taxes, fees, and litigation costs: higher fines on business for emission violations — this proposal would also create a new category of violators with no due process for determining who they are; harsher civil penalties for businesses in the process of implementing the latest air standards; new mandatory annual fees for water discharge waivers in the logging industry; a bill creating a broad private right to sue employers for certain Labor Code violations that may have occurred up to four years previously; imposition of *both* civil *and* criminal penalties for minor air quality violations; heavier taxes on small business and on multinational companies that do business in California; one bill imposing a 2 percent tax on oil companies' net income in excess of $10 million and another imposing a 5 percent tax on the same income; a bill to increase the state sales tax on gas 25 cents; a new air quality mitigation fee imposed on railroads; and, finally, a $60 fee on containers processed through the ports of Los Angeles and Long Beach.

Of course, that isn't really all — I didn't even mention the greenhouse gas hoax bill — but enough is enough. I hasten to repeat, however: these bills are *all* in the anti-jobs, anti-business mode. Similar lists could be produced to show Democrats plucking the chicken, Stalin-style, on virtually any category of issues.

They target anything that offers people independence: jobs, your own business, stable families, religion, free speech and association, democratic participation in electoral politics, competitive elections (think gerrymandering and attacks on the initiative process) — you name it, they are there attacking all rivals, anyone and anything to which ordinary people can turn as an alternative to them, to the state, to the warmth under the great coat of the tyrant.

Now, in fairness, it is true that many good people — sometimes even our Republican governor — support one or many of these measures and others like them with no thought whatever of enslaving the people. But it is not my point to condemn the supporters of these proposals; only the trend they represent. If, in fact, the result of these laws is to impose, over time, the Stalinist paradigm, it is little matter whether one of a hundred or even one of a thousand of the people urging their adoption understand what we are doing to ourselves.

Some two hundred years ago, the prophetic

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French political theorist Alexis de Tocqueville predicted exactly what we see today as the path down which democracies can travel to establish what he called a "new kind of servitude":

> [T]he supreme power .... covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate to rise above the crowd. The will of man is not shattered but softened, bent and guided; men are seldom forced by it to act,

Would a present-day, real-life Grapes of Wrath storyline lead Democrats to halt the growth of state power?

> but they are constantly restrained from acting. Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrial animals, of which government is the shepherd.

It might further be objected that my comparison is unfair, placing even mountainous economic and social regulation and heavy taxation — no matter how wasteful and enervating to the human spirit — alongside the murderous, enslaving policies of a Stalin. But, of course, the peoples of Europe did not move from freedom to Naziism or communism in a day or even several years, but slowly over a span of many decades, even centuries. My second point is that the moral consciences of men are the key to the paths their nations take toward or away from freedom.

The sort of superficially mild servitude de Tocqueville described and that our Democrat legislators are daily engaged in erecting acts first to destroy our moral objections to violations of our own and our neighbor's freedoms. Later, when the moral warning lights are gone, the door is open to the imposition of fully barbarous tyranny. Where, for instance, should we expect to see our Democrat friends draw the line between the mild servitude they support every day and the barbarous tyranny that we hope they would firmly oppose? Perhaps it would be somewhere beyond heaping taxes and regulations on people but before we begin demolishing peoples' livelihoods and whole way of life. Some of these compassionate Democrats, we might suppose, would perhaps recall the moral lessons taught by liberal icon John Steinbeck in his poignant accounts of hard-working common folk torn from the lives they'd always known by shifting times and the hardness of men's hearts. But would even a present-day, real-life *Grapes of Wrath* storyline lead Democrats to halt the growth of state power out of compassion for ordinary people?

I think not. Anyway, I know of one instance in which such Democrat compassion failed entirely. In late 2001 and into 2002, bankruptcy and financial ruin hit many of the 1,400 families living in the Klamath Basin along the California-Oregon border. The federal government had cut off farmers' irrigation the previous spring to provide more water for fish in the Klamath lakes, under a particularly harsh interpretation of the Endangered Species Act. The situation moved toward crisis as the following year's growing season approached. A century's way of life in the Klamath Basin neared destruction, but the bureaucrats in the Army Corps. of Engineers who administer the Act, state and national Democrat office holders, the Sierra Club's lobbyists, the left-leaning major media, and the vast population of ordinary Democrat Party members — all remained deafeningly silent.

Eventually the *Republican* Interior Department under the dreaded President George W. Bush reintroduced a little humanity into the picture, relenting slightly to allow a small flow of water to resume. By then the cost had already been staggering: $250 million in economic losses for the Klamath community; $20 million in federal taxpayer aid for farmers; $17 million proposed by Congress to "study" the situation; $8 million in California aid to farmers, in addition to the suffering imposed on local ducks, geese, deer, and other wildlife, including bald eagles.

The crisis finally ended when a National Academy of Sciences' study concluded that the decision to cut off the water in the first place had had "no scientific basis." Finally, the peoples'

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lives were permitted to return to normal. This, however, led to howls from, among others, the *New York Times*, which editorialized that the scientists' conclusion was "bad news" for the fish. What? Bad news that they did not in fact need the extra water? Or bad news that the farmers would, in fact, continue to receive it? The *Times* editorial concluded that "The Klamath water crisis has been in the making for more than 100 years, ever since the federal government decided to subsidize a farming economy in an arid area where none belonged." Well, the oracle speaketh: it is not the fish that keep the big government environmentalists up at night; it is the farmers. What, I wonder, would Steinbeck say?

Well — all right — but nobody died in Klamath. Surely our Democrat friends would draw the line at permitting the deaths of innocent people, would they not? I ask: have they when the demands of big government have led directly to such deaths? No. In 1990, the Army Corp of Engineers publicly identified a stretch of the Arboga levee south of Marysville as needing immediate repair, stating that without it, "loss of life is expected." Despite the warning, the Endangered Species Act's protection of the Longhorn Elderberry Bark Beetle's habitat along the levee delayed approval of the necessary repair until, in January 1997 — yes, seven years later — major flood waters rushing down the Feather River broke through the levee at the exact place where the repairs were needed.

As Republican Congressman Richard Pombo described it in a House Resources Committee report: "Three human beings lost their lives. Approximately 500 homes, 9,000 acres of prime farmland, and the four largest employers in the poorest county in the state were flooded." Democrats responded by launching an all-out war to remove Pombo from the House — fortunately, unsuccessful.

Again, I freely admit that few rank and file Democrats would support letting people die merely to avoid bothering the bark beetle. But the rank and file don't make our laws.

The Democrats who do make many of them come from very different ranks: the ranks of one-time 1960s and '70s radicals. My generation has grown up with these radicals: in my teen years I saw them win Stalinist communism for South Vietnam, Cambodia, and Laos. In my 20s, they occupied the trenches fighting for communist tyranny in Central America and southern and western Africa. In my 30s, I heard them wail against Ronald Reagan's efforts to end Soviet oppression of Russia and Eastern and much of Central Europe: against Reagan's demand to tear down the Berlin Wall. In my 40s, their old communist empire having imploded, I saw the radicals move without a hitch to backing Islamo-Nazis as the new, exciting center of tyranny and murder in opposition to human freedom. Now, in my 50s, I see they are at it still. In his 1989 book *Destructive Generation*, former radical David Horowitz writes to a still-left-wing former friend who chided him for having "lost the compassion and humanism which motivated our parents to make their original choice."

"Their original choice," Horowitz responded, "was Communism, was it not? Our parents were idolators in the church of a mass murderer named Joseph Stalin. They were not moralists but Marxist-Leninists .... You and I and our parents were totalitarians in democratic America. The democratic *fact* of America prevented us from committing the atrocities willed by our faith. Impotence was our only innocence. In struggles all over the world, we pledged our faith and gave our support to the perpetrators of the totalitarian deed. Our solidarity with them, like the crimes they committed, was justified in the name of the revolutionary Idea. Our capabilities were different. Our passion was the same."

Republicans are often a stumbling, bumbling lot, bringing to mind Churchill's remark that "democracy is the worst form of government ever invented ... except," he added after a pause, "for all the others." Democrats are the party of all those "others." They are, at the very least, a Party whose ruling philosophy is antithetical to human freedom and suffers from a chronic weakness: preferring tyranny as a "solution" to life's challenges. The issue of this election is between the maddening frustrations of democracy and freedom on one hand, and the mortal mistake of trying to transcend it, or escape it, by giving the radical idea a try. CPR

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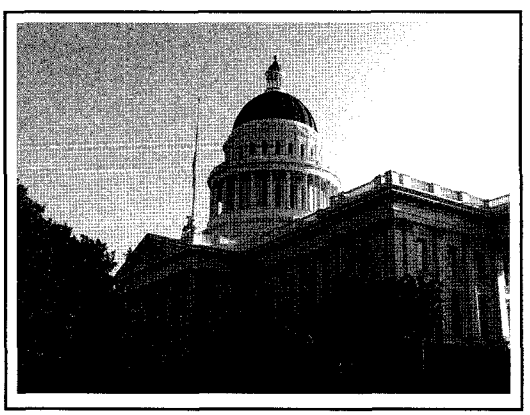
Reasonable Democrats?

The next Senate may include some

Dick Ackerman

REDISTRICTING IS an issue that Democrats were reluctant to address last year for good reason. The way current legislative district lines are drawn, it is virtually certain that Democrats will remain the California Legislature's majority party after the November 7 general election. However, with the deck stacked to benefit Democrats and the liberal special interest groups they represent, even incremental change is important. And in this year's June primaries that's exactly what happened. California voters made it clear they think the Legislature is too liberal and, at least in the Senate, that it should change.

Although all but one of the Senate's Democrat seats are expected to stay in Democrat hands, the individuals expected to fill those seats are slightly *less* liberal than the senators they replace.



Ten Democrat state senators retire this year: Richard Alarcon, Debra Bowen, Wes Chesbro, Joe Dunn, Martha M. Escutia, Liz Figueroa, Kevin Murray, Deborah V. Ortiz, Nell Soto, and Jackie Speier. This group's reputation is strongly liberal, big government, big spending, and pro-tax. On tax issues, among these members, only Senators Speier and Bowen scored higher than an "F" on the 2005 Howard Jarvis Taxpayers Association's Legislative Scorecard — and *they* both received "D"s.

Still, in comparison, Senator Nell Soto failed in every way according to the California Chamber of Commerce, California Farm Bureau, the California Taxpayers' Association (CalTax), and Jarvis. Soto's likely replacement, Assemblywoman Gloria

Dick Ackerman is Republican Leader of the California state Senate.

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Democrat voters defeated more liberal, labor-oriented candidates, favoring several who've worked with business interests and helped protect small businesses from legal shakedowns.

Negrete-McCloud, received passing scores from the Chamber and the Farm Bureau, along with an amazing 90 percent ranking from CalTax.

Senator Martha Escutia, known for her business tax penalty plans, will probably be replaced by Assemblyman Ron Calderon. Calderon voted with the state Chamber half the time in 2005, while Escutia voted with California businesses only once. Calderon also received a 50 percent ranking from CalTax and the Farm Bureau, compared to Escutia's lowest-level ranking from both.

In other Senate races — such as in Alex Padilla's primary election victory in the 20th state Senate District (currently Richard Alarcon's seat) — Democrat voters defeated more liberal, labor-oriented candidates, instead favoring several who have worked openly with business interests and sponsored legislation to help protect small businesses from legal shakedowns. Again, the more moderate perspectives of these candidates may play an important role in moving the Democrat Senate Leadership to moderate its own positions while providing Senate Pro Tem Don Perata a stronger base of support from which to negotiate more reasonable compromises on tough issues.

What does this mean to the average Californian?

One area it could affect is redistricting, where a reform effort within the Legislature this year made progress but did not reach a final agreement. Over the course of the next legislative session, a new Senate with a larger number of moderate Democrats could easily produce a redistricting package that will provide more competitive seats reducing the influence of powerful partisan special interests. By removing legislators from the process of choosing their own seats and eliminating districts so lopsided that only one party can win, elections will become more competitive and issues will be debated more fully. In some situations, incumbents may even be forced to listen more carefully to the concerns of voters in their districts.

The more immediate impact may be felt by the business community. Next year, we may see fewer bills that attack or put greater burdens on small businesses, fewer tax and fee increase proposals, and, we may hope, a more fiscally conservative budget.

As a result of term limits, the Assembly has become increasingly dysfunctional and the Senate is quietly becoming the calm, reassuring force making reform actually happen. The shift right in the Democrat Caucus, and the possibility of an increased number of Republicans in the Senate — should Assembly Member Lynn Daucher take Senator Joe Dunn's seat — will mark a distinct change for California's upper house.

The coming legislative session must address many important issues. In addition to redistricting reform, these issues include continuing California's economic growth, protecting our communities, ending deficit budgeting, and ensuring efficient use of taxpayer dollars. I hope a more moderate Senate Democrat caucus, the continued diligence of legislative Republicans, and the impending re-election of Governor Arnold Schwarzenegger will create a California government less reliant on the special interests that hi-jacked our state in the late 1990s. CPR

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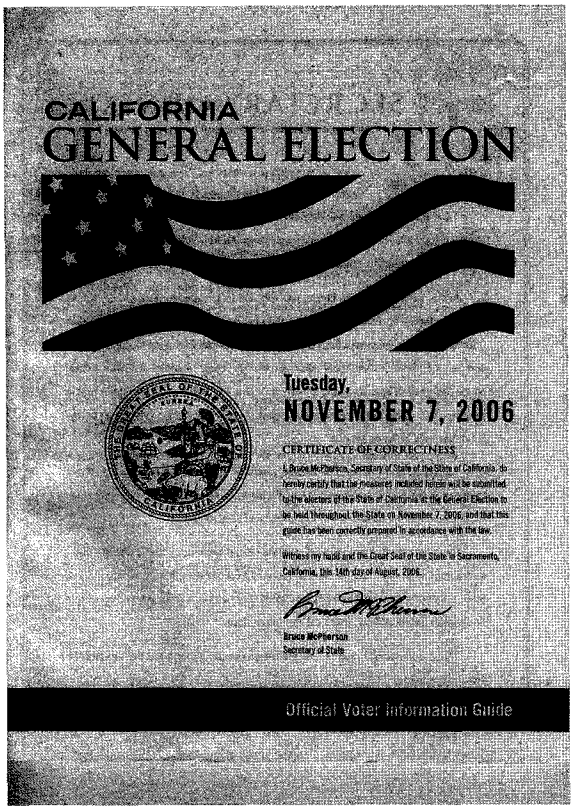
CALIFORNIA
GENERAL ELECTION
Tuesday,
NOVEMBER 7, 2006
CERTIFICATE OF CORRECTNESS
Witness my hand and the Great Seal of the State in Sacramento, California, this 14th day of August, 2006.
Bruce McPherson
Secretary of State
Official Voter Information Guide

Baker's Dozen

Direct democracy: the people vote where their representatives fear (or can't be trusted) to tread.

As much as the candidate elections, November's ballot measures reflect two radically different visions for California. *CPR's* experts survey the choices voters face.

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Borrow, tax, and spend
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Thirteen measures crowd November's statewide ballot. As is often the case, most represent unfinished business begun during the most recent two-year political cycle: measures submitted by lawmakers that require voter action, initiatives to redress inaction or mis-action, as their authors see it, by the Legislature; others reacting to judicial rulings. Voters will decide questions ranging from massive bond debt and sustaining California's infrastructure to property rights and sex "predator" laws. The following are brief summaries of the measures, some historical context for them, and commentary by members of California Political Review's *panel of public policy experts.*

DAN BRENNAN — PROPOSITION 1A

In 2002 California's voters approved Proposition 42 to require that taxes collected on motor fuels be actually spent on transportation purposes. Previously, the gasoline tax revenue was simply tossed into the State General Fund to be spent on anything and everything the state of California spends money on. The neglect and deterioration of California's roads and freeways in recent decades prompted this voter uprising to insist that the state's transportation corridors be properly enhanced and maintained.

A loophole the size of a congested highway tunnel allowed the Legislature to borrow funds from the Proposition 42 tax revenue. To engage in such borrowing a 2/3 vote of the legislature and approval by the Governor is necessary.

Veteran legislative aide and political activist Dan Brennan is a California Political Review *contributing editor.*

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That threshold of approval however is the same threshold that is needed to pass the annual budget. Any state budget then could also include as much Prop. 42 borrowing as the budget writers want, with no greater hurdles than the usual votes necessary for budget approval. The $2.5 billion siphoned from Prop. 42 funds over the past three years shows just how easy it is for the legislators to dip into that money. Prop. 1A would limit such borrowing to just twice in ten years.

The measure was placed on the November ballot by the Legislature in order to head off a more restricitve voter initiative being funded and circulated by the transportation lobby. That initiative has qualified for the 2008 ballot nonetheless. Opponents of Prop. 1A argue that economic swings create instability in state income. Without the authority to tap into transportation funds, opponents say that cuts could become necessary in social services such as public assistance, state funded daycare and the ever-popular "education" priorities.

BRUCE L. BIALOSKY — BORROW, TAX, & SPEND

Propositions 1B through 1E, 84, 86, 87, 88, 89

I recently received the *Official Voter Information Guide* for the General Election to be held on November 7, 2006. If this does not make you question the viability and wisdom of our California government, then I don't know what will.

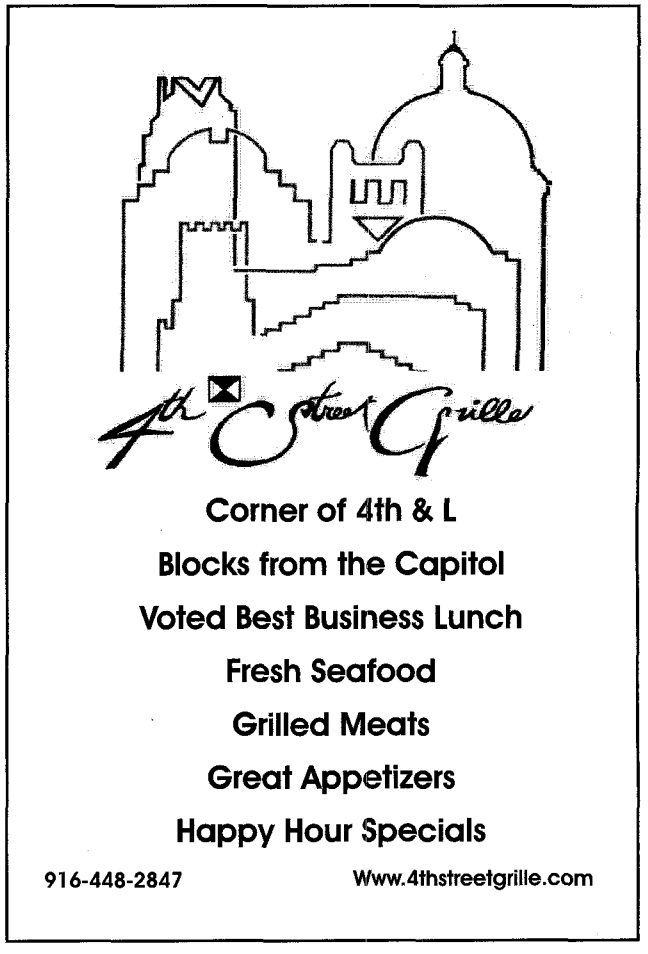
The guide itself is a staggering document. It runs a blissful 192 pages. Some pages are in type that make my aging eyes require special glasses to read. To put this in perspective, Paul Johnson (one of the world's greatest living historians) recently wrote a biography of George Washington (father of our country). The book's page count totaled 126 with smaller pages and larger type. It seems to me at first glance that the comparison does not favor the *Voter Guide*. The essential question is: Who will read this drab document?

I then faced the meat of the matter in the *Voter Guide*. Of the thirteen propositions, only three deal with policy issues and one actually requires the Legislature and the governor to spend designated funds as earmarked for their original purpose — now that is a novel concept! The rest wish to increase our taxes (or maybe taxes on just "the Rich") or ask us to approve bonds that will put us (or our children) in bondage for the foreseeable future. I here restrict my comments to the nine borrow and tax proposals.

Bruce L. Bialosky has written on public policy and worked in Republican grassroots politics for 25 years.

Five propositions ask to increase our collective debt before interest by $42.65 *billion*. Each proposition on its own would seem to merit consideration. But collectively this stupefying number would be insane on its face even if you did not take into account other obligations already in place. These bonds are estimated actually to cost $84 *billion* over their 30-year life based on current interest rates. That would be enough to convince a voter, but only if one did not become aware of the other bonds already out there. $45 *billion* have already been issued and $30 *billion* have been approved, but not yet sold. That means during the next 30 years the government will have to come up with $232 *billion* to pay off these bonds if the voters approve all five propositions. I am not quite sure you will find that information in the voluminous *Voter's Guide*. This is from a government that is supposed to balance its budget.

After facing the bond initiatives, I had the opportunity to read the four plans for increasing taxes. Each of these gems picks a favorite bogeyman of the left to fund favorite pet projects of the authors. The first, Proposition 86, taxes everyone's favorite villain — smokers. This huge tax increase of $2.60 per pack will go to fund health programs and children's health coverage. You know a leftist wrote this one because it is as



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naïve as it gets. The revenue will never come in at the levels they are expecting because smokers will either quit or find alternative methods to obtain their cigs. This has happened before and it is basic economics. Also, the funneling of money to other projects will occur just like it has in the past and little will be seen by the operators of the intended programs. Last, any revenues derived will cause our government to become cheerleaders for encouraging smokers so the revenues continue to flow. It is hard to conceive of anything more stupid than this.

Yet Proposition 87 almost outdoes 86. At a time when gas prices are coming down, but still high enough to worry the average voter, this beauty asks for more taxes at the pump. It is a bit sly in that it says the tax is on oil producers, but even a person with a California public school education knows those taxes will be passed on to us poor slobs pumping our own gas.

Proposition 88 is a dousy. It wants us to break our Proposition 13 covenant by imposing a $50 tax on every parcel of land (property) in the state. It is nice and exempts certain elderly and disabled. It sounds innocent enough. What is $50 more per year? It is $450 *million*. More importantly if this passes and breaks the Proposition 13 covenant, the taxers will be back for more in short order.

The last new tax is the most devious of all. The Nurse's Union thought up this one. Nurses, on their own, are very fine people and great members of our community. But for some reason their union has become a beacon of socialism lately. First, they want to eliminate the public's right to make political contributions to the candidates of their choice. Second, they manage to exempt themselves and other unions from this restriction of our individual freedoms. Third, they put the funding of elections in the hands of the same bureaucrats who put out this 192-page document that is causing this mess in the first place. A dysfunctional government that cannot make decisions about its own public policy and finances should be placed in charge of election financing? I think not.

Continuing their devious action, the Nurse's Union says they are going to pay for all this by laying off the cost on the last villain of choice — corporations. Again the average voter with a California public school education knows who will get stuck with that bill: we poor slobs once again.

All this, and then we have to vote for our elected officials at all levels of government. The average person will look at this and pray for salvation, pray that G-d will intercede and bring common sense to the operation of our state government. Yes, you can be in favor of the initiative process and still be against this barrage of decisions to be made by the electorate. Most will be swayed by limited information or 30-second messages.

If some of my comments are rooted in sarcasm, how could I help it? This process certainly is a rotten way to make public policy. But with the group that is currently running things in Sacramento it may still be the best alternative.

During the next 30 years the government will have to come up with $232 billion to pay off these bonds if the voters approve all five propositions.

— Bruce L. Bialosky

RICHARD POIRIER — REVENGE OR JUSTICE?

Proposition 83 — Jessica's Law, a dissenting view

Prop. 83 is a revenge law that violates due process and cruel and unusual punishment protections in the U.S. Constitution. It does this by requiring involuntary, *indeterminate* civil commitments to State Mental Hospitals for sex offenders after they complete their prison term and eliminates their current right to a civil incarceration review every two years by a jury trial. It denigrates human beings to the level of animals by requiring electronic GPS monitoring *for life* for anyone convicted of a registerable sex offence. These new *1984*, Big Brother-type repressive penalties are adorned with a cute, emotionally-laden title: Jessica's Law.

Consider claims that sentences are too short. Under current law: Penal Code, Sec. 261, Statutory Rape, 3 to 8 years; Sec. 269, Aggravated Sexual Assault of a child under 14, 25 years to life; Sec. 667.61, a second Lewd Act conviction, life. Sec. 207, Kidnapping to commit sexual penetration, life.

Now if you think these laws could never apply to you

Richard Poirier is a financial executive at the world's largest recorded music and music publishing company. He is former chairman of the media relations committee of the Los Angeles County Republican Party and a former board member of the Southern California Republican Women and Men club. He writes commentaries on major public policy issues.

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consider that a "Sexually Violent Offense" includes Spousal Rape, Sec. 262, defined as sexual intercourse against a person's will or if asleep, 3 to 8 years. Think of claims for leverage that could arise during a divorce. Existing law requires registration, for life, for any of these felony sex violations. Prop. 83 changes the definition of "Sexually Violent Predator" from acts against two or more victims to one victim. That means "predator" status can be assigned from the claim of only one person — no corroboration required — in the classic he said/she said. This is not what the public considers to be the definition of the term "predator" in common usage.

Prop. 83, with definitional enhancements, is a dangerous step towards prosecutorial overreach, incarceration abuse, and lifetime societal ostracism. The day we buy into arguments that people cannot learn their lesson in prison or control their impulses or that society should punish people for "likely" future acts is the day we relinquish our country's founding principle of justice. Voting No on Prop. 83 might protect you from being required to wear a GPS monitor the next time you get a traffic ticket to guarantee your court appearance.

Will Prop. 83 benefit 9-year-old Jessica Lunsford who was raped and murdered last year? No. Death cannot be reversed, but her tragic death offers insight. Consider the causational relationship between extremely harsh penalties and some sex offenders' rationale for avoiding excessive punishment by killing their only witness: the victim. Perhaps Jessica Lunsford, JonBenet Ramsey and countless others would be alive today if society had the courage to demand reasonable prison terms based on justice instead of revenge.

DAN BRENNAN — JESSICA'S LAW BACKGROUND

Proposition 83 and Democrat obstructionism

Since the abduction and murders of Danielle van Dam and Samantha Runnion in Southern California in 2002, legislative Republicans have been pressing for reform of California's sex predator laws. Led by Senator Dennis Hollingsworth and Assemblyman Jay La Suer under the moniker of Project KidSafe, La Suer, Hollingsworth and their colleagues have introduced more than 50 tough-on-crime bills since 2002. Most of those bills met an untimely end at the hands of Democrat-controlled policy committees. Frustrated by these losses, child safety advocates and legislators have twice launched efforts to address these issues at the ballot box. The measure now known as "Jessica's Law" succeeded in obtaining the required signatures after the abduction and murder of 9-year-old Jessica Lunsford in Florida.

Proponents of Proposition 83 say it's time to crack down on child predators, prevent them from living near schools and track their whereabouts through Global satellite monitoring technology. Noting the high recidivism rates among sex predators the supporters of this law say that the only way to protect our children is through longer sentences and knowing where these dangerous offenders are at all times.

Opponents say the provisions are too expensive and the tracking won't work since they claim offenders usually attack members of their own households. They also worry that the ban on living near schools will essentially eliminate urban and suburban communities for possible residency, sending all the offenders to rural areas.

EDITH BLACK — PROPOSITION 85

Parental notification can help stop statutory rape.

Often overlooked in the debate about the parental notification initiative (Proposition 85 on the November ballot) is the effect it would have in deterring the statutory rape and child molestation that are responsible for so many teenage pregnancies among minors.

All states have laws prohibiting sexual activity between minors and adults. In California the statutory rape law covers girls under 16 while the child molestation laws cover girls between 16 and 18.

Yet studies across the country are now showing that most minor teenage pregnancies are the result of girls' sexual activity with adult men, not with their teenage peers. In California a study of 46,000 pregnant teenage girls showed that 71 percent of them were impregnated by adult men whose mean age was 22.6 years.

Edith Black is one of the state coordinators of California Democrats for Life and on the steering committee of Catholics for the Common Good. She is a member of St. Margaret Mary Parish in Oakland and works with children as an environmental educator.

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Such sexual predators generally try to cover up their crime by arranging for their victim to have an abortion, sometimes even coercing them. Or the minor reports her pregnancy to a health professional, such as a school nurse, and, despite California's mandatory reporting laws, is escorted to an abortion clinic with no prying questions asked.

Having gone through the mandatory reporting training myself, I know that California law requires all professionals, including health professionals, to report to appropriate government authorities any suspicious situation. It is then the responsibility of the authority to investigate the facts to determine whether a crime has indeed occurred.

Yet it is standard practice with health professionals involved with the abortion industry not to comply with these laws. This fact has been well-documented by an organization called Life Dynamics, whose full report is online at www.childpredators.com.

Life Dynamics decided to conduct its own test after examining statistical evidence indicating that the failure rate of Planned Parenthood and National Abortion Federation facilities in complying with mandatory reporting laws is more than 90 percent. A young woman portraying herself as a 13-year-old girl impregnated by her 22-year-old boyfriend called more than 800 Planned Parenthood and National Abortion Federation facilities across the country. The calls were made from Texas where conversations can be taped legally without informing the other party.

As can be heard on tapes played on the website, she explicitly told the people at each facility that she wanted an abortion because she and her boyfriend did not want her parents to find out about the sexual relationship. She never suggested her parents would become abusive if they discovered her sexual activity.

Even though many of the clinic workers openly acknowledged that this situation was illegal and that they were required to report it to the state authorities, 91 percent advised her how to conceal the crime. She was often counseled not to reveal her own age or the age of her boyfriend when she came in for the abortion, or was given the number of another clinic and told not to be so forthcoming there.

Some even counseled her how to circumvent parental involvement laws by, for example, bringing in an older adult who would pose as her parent.

To appreciate the seriousness of this situation, we need to ask ourselves how we would react if we knew

How would we react if we knew a store employee was advising minors how to circumvent laws prohibiting them from buying alcohol and tobacco?
— Edith Black

that an employee of a store was giving minors advice on how to circumvent laws prohibiting them from buying alcohol and tobacco or that a gun dealer was teaching minors how to purchase handguns.

Proposition 85 attempts to address a similar outrageous flaunting of the law. It will bring such crimes to light by requiring that abortion providers notify a minor's parent or, in the case of a judicial bypass, a juvenile court judge, who would be more likely to report a violation of the law.

That the proposition will deter sexual predation is indicated by the track record of the 34 states that already have parental involvement laws. Generally, a significant reduction in teenage pregnancies and abortions follows a year or two after a parental notification law goes into effect. The abortion rate for minors dropped 25.6 percent in the two years following the enactment of a parental involvement law in Virginia. Pennsylvania's teen pregnancy rate fell by 18.7 percent following the enactment of a similar law. The California Legislative Analyst has estimated that parental notification could reduce abortion rates in California by up to 25 percent.

RAY HAYNES — PROPOSITION 90

Freedom's D-Day

The battle over Proposition 90 is freedom's first incursion against the national socialists governing California. For years, California's ruling class, the elected officials, the bureaucrats, and their allies in the private sector, at the state and local level have had their way with the land-

Ray Haynes is a CPR *contributing editor.*

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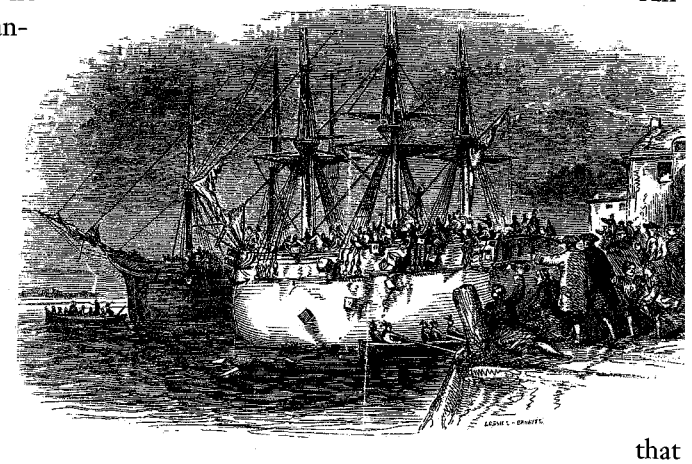
owners of California. City managers and county administrators, planners at the city and county level, city council members and county supervisors, government employee unions, environmental groups, and government vendors have used the powers of land use that the courts had tacitly handed them to abuse these landowners, and to force them to support those in power using sometimes blatant, sometimes subtle, pressure.

Where did our local governments come up with $3.2 million to oppose this initiative? All their money comes, directly or indirectly, from our taxes. How did that money end up in a political campaign?
— Ray Haynes

The excuses employed to justify exercising power against the rights of private property are varied: preserving a healthy environment for the people, preserving a healthy environment for the flora and fauna, "good planning," or just plain "community values." Whatever the excuse, California landowners have seen control of their land stolen by socialist practitioners. Proposition 90 threatens their power to keep doing so.



So those in power are pulling out all the stops.

A quick look at the contributions to the "No on 90" campaign reveals that the "League of California Cities" has given more than $2.5 million, the California State Association of Counties has given $400,000, and the California Redevelopment Association has given $300,000 — a total of $3.2 million — to protect their power to abuse landowners. Those who contract with cities, that is: city attorneys, asphalt contractors, equipment suppliers, engineering firms who work for the city on contract, and the like, have given more than $1 million to defeat 90. Developers have given more than $500,000, either to protect their right to take your property using the city as their real estate agent, or to win approval for their projects in cities where Proposition 90 faces its stiffest opposition. It is among the clearest cases on record of special interests using government to take the property of those who have earned it to serve their own selfish greed.

And just where did our local governments come up with $3.2 million to oppose this initiative? All their money comes, directly or indirectly, from our taxes. How did that money end up in a political campaign? Is it legal to use our tax dollars, directly or indirectly, to take our property rights? $3.2 million is a lot of money, and I am sure that the city managers, county administrators, and elected officials didn't give them the money out of their own pockets. It seems impossible to explain except that they took it from us, ran it through some laundromat, and gave it to the campaign. However they did it, it is frightening to think our government agencies are actively engaging in trying to influence our elections. They are supposed to be doing the will of the people, not trying to influence that will so that they can do what they want. Governments dictating the outcome of elections is common practice in places like Soviet Russia and Nazi Germany, but not in the United States (of which, I hope, California is still part).

And how did these Prop. 90 opponents persuade developers and city vendors to finance their fight against this initiative? Did the government promise to approve their project if they gave the money? Or did the government tell the vendors to "contribute to No on 90" and we'll make it up to you in your next contract? $1.5 million from the businesses to stomp on the rights of their neighbors smacks of extortion.

If the polls are correct, this possible criminal behavior by our government hacks will fail. The people get it, and Proposition 90 is ahead 53 to 25 percent in most polls.

But, at the mid-October writing of this article, it remains early. The forces for big government have barely begun their electronic distortions. Their one hope is to confuse people into giving up their constitutional rights. They have already taken their tax dollars to finance the effort; taking their constitutional rights is the next, perhaps even easier, step. CPR

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CRITICUS

Old Familiar Faces

BY G.B. TENNYSON

"All, all are gone, the old familiar faces"
— Charles Lamb

ACTUALLY, WHEN it comes to the annual Critical necrology many of the faces are not quite so familiar after all. That is because Criticus seeks out precisely those figures who are in the main likely to be overlooked by the newspaper obituarists or to be given little more than brief mention. Moreover, Criticus favors those who are not world-famous celebrities, or at least not any more, and those who have unusual or offbeat achievements, and even some who may not be wholly admirable. But all of Criticus's lately departed are interesting enough to deserve to be remembered, if only for a time, by the fit audience though few who will read about them in these pages.

The following returned, as they used to say, to Abraham's bosom in the past year or so. For simplicity only their ages are recorded here.

G.B. Tennyson is CPR's *resident obituarist, but he is also happy to see anyone beat the odds.*

GEORGE LEE LUTZ (59)

Lutz was the founder, father, first begetter, and some would say fabricator of what has been called the "Amityville Horror" industry. It was the "recollections" of Lutz as told to author Jay Anson that produced the book *The Amityville Horror* (1977), which in turn spawned nine films. As Constant Readers will know, the "horror" of the story is of a wildly haunted house in Amityville, Long Island, that the Lutzes bought and dwelt in for twenty-eight days in 1975-76. All manner of bizarre events occurred that lent themselves to lurid film scenes and that also led Lutz to devote most of the rest of his life to promoting the Amityville story. Detractors found many inconsistencies in the story in much the same way that has occurred recently with the James Frey book *A Million Little Pieces.* Along with the spate of plagiarisms, there have been so many cases of books that are not what they purport to be that Criticus proposes two new categories for the bestseller lists and, for that matter, the Pulitzer Prize — Fictional-Nonfiction and Plagiarism. These would be crowded fields.

EVA NORVIND (62)

If the accounts of this woman's life are true, and they

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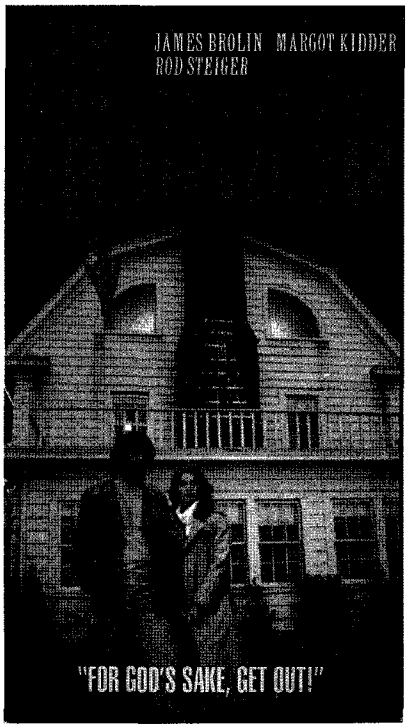
seem to be, she eclipsed anything George Lutz or James Frey fabricated in their fictional nonfictions. Born in Norway to a Russian prince, who devoted his later life to collecting bottles, Norvind (a surname she adopted, discarding Sakonskaya) danced with the Folies Bergère; served as a Bunny girl; starred in Mexican films with titles like *Blood Pact;* worked in Hollywood as a glamour coach to Rene Russo and as an independent photojournalist; produced sex-based documentaries and starred in one about her own life, claiming in it to have been a prostitute and a worker for Mother Teresa (presumably not at the same time); took up sadomasochism and became a leading dominatrix, starring in films with titles like *Whipped;* and setting herself up as a "psychosexual counselor."



NOT SURPRISINGLY, her daughter ran away at the age of 12. And to top it off and place herself in the forefront of candidates for another Criticus-proposed prize — that for Improbable Lives — Norvind managed to end her life at 62 by drowning off Huatulco Beach in Mexico. What do you suppose she did in her spare time?

KURT KREUGER (89)

Not the first actor who became tired of being typecast, Kreuger may have been the only one who quit films after a career of more than twenty-five years precisely because he declined to play typecast roles any more. The epitome of the popular image of the German military officer, Kreuger was tall, blond, blue-eyed, and spoke with an unfeigned German accent. To be sure, he had been born in Germany and grew up in St. Moritz, Switzerland, so the association was a natural one. He came to the United States in the late nineteen-thirties and studied at first to be a doctor but dropped out to pursue acting. His father cut off his allowance, but Kreuger made his way to Hollywood and a successful career, albeit one he came to detest. He played Prussian officers, U-boat commanders, and whatever other German military man Darryl Zanuck approved his being cast as. He walked out on his 20th-Century Fox contract, returned to Germany after the war and was again cast as a military officer in various German films. In 1967 he stopped acting entirely and, instead of falling into alcoholism or drugs or poverty, he became a hugely successful real estate magnate in Beverly Hills. Few can claim to have had such cake and eaten it too.

ZITA JAMES (102)

Perhaps Zita James gives Kreuger a run for his money. She and her sister Teresa, who survives her, were the original English "Bright Young Things" of the nineteen-twenties. They were the as yet unmarried Jungman sisters then, and they led their set in all manner of shocking antics, often involving treasure hunts in which they had Rolls-Royces tearing down country lanes in every sense of the term. They even persuaded Lord Beaverbrook to print a false edition of the *Evening Standard* containing clues for a hunt. Zita and a friend managed too spend part of one night in Madame Tussaud's Wax Museum, having cleared a space by moving some figures out of the way. All this shocked the high society in which they moved and provided much copy for gossip columnists and many photographs by Cecil Beaton. But their doings were truly immortalized in such Evelyn Waugh novels of the period as *Vile Bodies*, which a few years back was made into a film titled, of course, *Bright Young Things*. There was much else, stretching well into the thirties. Here again one expects some sort of retribution in later years, but such was not the case. They settled into a cottage in Gloucestershire and then later into a castle in County Kildare, Ireland, where they surrounded themselves with beautiful objects from their youth. On her 100th birthday Zita appeared on television in a program about Cecil Beaton. That's having your champagne and drinking it too.

PRINCESS TATIANA VON METTERNICH (91)

An equally colorful life to that of the Bright Young Things, albeit of a quite different and much more uplifting kind, was led by the widow of Prince Paul Alfons, last Prince von Metternich-Winneburg. Born Princess Tatiana Wassiltchikov in St. Petersburg in 1915 she spent much of the first half of her life in flight

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from the forces of revolution and war. Her memoirs published in 1976 and updated in 1988 tell story after story of escape, flight, and return from one refuge, usually one of the family's castles, to another, and from Russia to France, to Germany, Lithuania, Austria, Spain. She was saved from capture at the hands of the Bolsheviks when the British sent a warship to the Crimea to rescue the Dowager Empress of Russia, who was George V's aunt and who insisted that all the other nobles and aristocrats gathered at her palace there be allowed to go as well. Tatiana, clutching a toy and some lesson books was transported with her sister and their British nanny to France. She perfected her French at a *lycée* and had among her friends Prince Felix Youssoupoff, the murderer of Rasputin.

ALTHOUGH QUITE unsympathetic to Naziism, at one point she worked for the German Foreign Office because her French was so excellent. In Berlin while sitting in the famous Hotel Adlon she saw the top Nazi hierarchy sweep in. "How small they were!" she wrote. "They looked like stuffed dolls, unreal, a caricature of the likenesses published for the edification of the people." All this by the time Tatiana was only twenty-five. The rest of her life was equally colorful as she fled German, Russian, and even Allied armies. The Americans were not hostile, of course, but they did ransack the Metternich castle of Königswart in Bohemia which contained countless objects and souvenirs of the Prince Metternich who presided over the Congress of Vienna. Princess Tatiana spent the years after the war in another Metternich castle which they rebuilt, Schloss Johannisberg in the Rhineland, doing good works, supporting charities, founding a music festival, and much else. Although she died a more dignified death than drowning like Eva Norvind, she did suffer the indignity of finding that when Prince Paul died he had left much of his fortune to a mistress. It does make one think about the adage of what happens as a result of good deeds.

COUNTESS VON STAUFFENBERG (92)

Another survivor who gave German aristocracy a good name for its conduct during the Second War, Nina Countess Schenk von Stauffenberg was the widow of the prime mover in the failed attempt to assassinate Hitler in July 1944. Count Stauffenberg was shot immediately and his brother Berthold was hanged a few weeks later. Meanwhile Himmler decreed that all of Stauffenberg's relatives even as far as distant cousins

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should be rounded up and their property confiscated. The pregnant Countess was heavily interrogated in Berlin and then sent with her mother to the concentration camp at Ravensbrück. Her mother later died in another camp run by the advancing Russians. In January of 1945 the Countess gave birth to her fifth child in a Nazi maternity home, while her other four children were in an orphanage under the state-ordered new surname of Meister. The Countess was held hostage in southern Germany where guards had orders to kill her. But she was liberated by Allied troops and reunited with her children. After the war she devoted herself to promoting understanding between Germans and the occupying American forces. In her case her good deeds were not punished. She is survived by all five of her children.

WALTER SULLIVAN (82)

The death of Walter Sullivan was widely reported, so this notice will be brief. As most literary folk know, Sullivan was a novelist, a distinguished professor at Vanderbilt University, and perhaps best known as a champion of and authority on the Fugitives and the Southern Agrarians. These groups included such writers as Allen Tate, Robert Penn Warren, Donald Davidson, and Andrew Lytle. All were upholders of traditional southern values, a position Sullivan advocated from his undergraduate days at Vanderbilt through fifty-one years of teaching at the institution, and indeed to his final day. Criticus mentions Sullivan here for another lesser known reason, namely his championing of the traditional Episcopal worship book. He was active in an organization known as the Society for the Preservation of the Book of Common Prayer. Any defender of the old Prayer Book has Critical approval. Although the group lives on as the Prayer Book Society, it occupies at best a position similar to the Roman Catholic groups seeking a return to the traditional pre-Vatican II Mass. Sullivan evidently saw no future for his position in the Episcopal

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Church, so he converted to Roman Catholicism. Criticus muses on what Sullivan thought of the Roman liturgy.

MICHAEL VESTEY (61)

Unless one is a subscriber to the British *Spectator*, one is unlikely to know of Michael Vestey. I mention his passing here only to make brief tribute to his skill as a critic of radio. He served in that capacity from 1996 until his death this year. He was a sharp critic not only of specific programs but of the BBC in general. It was always a pleasure to read his columns even though one, often as not, had not heard the programs he discussed. It was a special joy to read him cutting the BBC down to size.

Bright Young Things

BERNARD LACOSTE (74)

It was Bernard's father René Lacoste, a tennis star of the 1920s, who developed the well-known Lacoste polo shirt, the one with the green crocodile appliquéd on the chest. Such a device was the first time a brand logo appeared on the outside of clothing. It was adopted because René was known as "Le Crocodile."

TWO REASONS for this nickname have been offered. The more plausible one is that René Lacoste always took a crocodile-skin suitcase on his tennis tours. The other is that he yearned to own such a suitcase when he saw it in a shop window but couldn't afford it. This latter seems improbable. Tennis stars of the twenties did not make the absurdly large sums of modern players, but they were usually persons of independent means or they wouldn't have been able to spend their youth on tennis courts. At all events the "Chemise Lacoste" became a trendy preppy item, and after Bernard Lacoste took over the firm from his father, he extended the line to women's wear and accessories. The brand throve but suffered a downturn in the nineties. Bernard revived it by recruiting the designer Christophe Lemaire in 2000 to develop some new styles, and a Lacoste piqué polo shirt is once again a fashionable item at the country club and in comparable settings. Criticus has one even though lacking a country club or comparable setting.

ANN CALVELLO (76)

We go from the country club to the roller rink. Ann Calvello was one of the most celebrated stars of Roller Derby, that curious and uniquely American sport that flourished from the thirties to World War II and then was revived after the war to flourish anew for several more decades, continuing in various revivals even to the present. It was created by one Leo Seltzer who adapted it from the dance marathons and walkathons of the depression. The variations on the game are too numerous to cite here. The important point was that it featured teams of both men and women competing separately on a circular banked track, each team scoring points by having designated skaters passing the members of the other team, whose members in turn vigorously blocked them to prevent being passed. All this at high speed.

The result was constant collision, constant fighting, constant crashes, fistfights, hair pullings, involuntary vaultings over the rail. All of this mayhem at times resulted in serious injury as well as provoking some to deride it as wrestling on roller skates. Certainly there was a great deal of theatrics but also no inconsiderable amount of athletic skill involved. Ann Calvello had an abundance of both, sporting multi-colored hair and bravura aggressiveness. She was for half a century the female star of the San Francisco Bombers, loved and hated by a host of fans, especially in the years when Roller Derby was on television several times a week. She skated into her seventies. Even the *Los Angeles*

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Times devoted a fairly lengthy obituary to her. Criticus had the pleasure of seeing Calvello and numerous other Roller Derby greats that he may write about one day, though most of those old familiar faces are, like Calvello's, gone now.

DAME MURIEL SPARK (88)

This celebrated British author's death was reported everywhere. I mention it here only to remind Constant Readers, and those who aspire to that state, that Spark's most successful novel was *The Prime of Miss Jean Brodie* (1961), which, as a motion picture (1969), made a film star and Oscar winner of Maggie Smith, herself now a Dame. If you haven't already, read the book or seen the film, do so.

ALIDA VALLI (84)

The actress born Alida Maria Laura von Altenburger in Pula, Italy, of an Austrian father and an Italian mother, is cited here for a single scene in a single film, even if that seems condescending. Valli, as she was known by a single name in her American career, played many roles in many films and many roles on the Italian stage and in Italian films after she returned to Italy following a lackluster American sojourn, but her flash of glory, in Critical eyes, was in the closing moments of the Carol Reed film from the Graham Green novel *The Third Man* (1949) when we see her leaving the cemetery in Vienna following the burial of her lover Harry Lime. She walks alone down a long tree-lined road and her walk seems to symbolize the entire meaning of the film. Most of us will not be remembered for anything. Valli will be remembered for that walk.

CAPTAIN PIERS ST AUBYN (85)

One of only three British officers to survive unscathed from the Battle of Arnhem in 1944, Piers St. Aubyn gains Critical approval for his *sang froid* under pressure. In case memory has faded, remember that the battle of Arnhem was part of the attack called Operation Market Garden and counts as one of the worst blunders in WWII, with the blame going mainly to Field Marshall Montgomery. The idea was to cross a number of bridges in the Netherlands in order to go over and around the German Siegfried Line and thence southward into the industrial heart of the Ruhr. The Arnhem portion of the operation is the one recounted in the compelling American film titled *A Bridge Too Far* (1977).

Five hundred men were parachuted sixty miles behind German lines with the mission of taking the bridge over the Rhine at the Dutch town of Arnhem (Ger. *Arnheim*)

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They failed; the Germans held the bridge. The British found themselves isolated in Arnhem, occupying two or three empty houses. The film ends, as I recall, with the British soldiers lying about in total defeat singing "Abide with Me." In fact St. Aubyn dispatched a foraging party and settled down to read Trollope's *Barchester Towers* as a way of showing calm to his men. The German attack (Kurt Kreuger played a German officer, of course) was relentless and unanswerable, so the British troops remaining made it through the woods to the river where a Canadian rescue vessel was waiting.

Just as the voice cried "Room for one more," St. Aubyn stood aside and offered his place to another man. As the soldier stepped forward a German machine gun opened fire and killed him. St. Aubyn was then pulled aboard the vessel which escaped down the Rhine. The ill-advised undertaking left only thirty survivors.

RUPERT POLE (87)

Pole was one whose death was fairly extensively covered, but in case you missed it, you will want to ponder briefly the oddity of his life. Described as "stunningly handsome" and like a Greek statue, Pole abandoned an acting career to marry the author Anaïs Nin, when he was twenty-eight and she forty-four. Presumably he did not know she was already married, and accepted uncritically her frequent trips to New York on bogus writing assignments but in reality to visit her first husband. By 1966 he certainly knew because for fear of prosecution by the IRS, Nin revealed all to Pole. He didn't mind. The marriage was annulled but they continued together. After Nin's death in 1977, Pole became her literary

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would drive to downtown San Francisco and pick up 50 petitions, I could sense a voter volcano erupting.

IMMEDIATELY AFTER I appeared on Morgan's show, Rob Johnson asked me to come on his Voice of the Valley radio show in the north San Joaquin Valley to discuss this recall idea. The prairie fire had begun.

In theory, qualifying a gubernatorial recall might be expected to be a breeze. We needed signatures equaling only 5 percent of the combined gubernatorial vote in the last election. The turnout had been historically low and we had five months in which to qualify.

However, to our dismay, most of the California Republican leadership was cool to the idea — to put it mildly. Gerry Parsky, President Bush's man in California, was hostile to the recall until almost the very end. These GOP leaders feared the recall would fail and embarrass the Party — to which I responded by saying that the state GOP was already embarrassed and had nothing to lose because Republican legislative leaders were leading an army of invalids with no power in Sacramento.

Fortunately, the recall did not depend on the state Party leadership, and unified conservative grass-roots support pushed the CRP executive committee and convention to endorse the recall in February 2003 — notwithstanding the formal opposition from our national committeeman, Gerry Parsky, and GOP legislative leaders.

During the next six months, I was busier than I ever dreamed I would be as an outgoing CRP chairman, working the talk radio circuit boosting the recall. A new element decisively helped our efforts: new technology enabling supporters to download recall petitions directly from the Internet. The implications of this development for politics in the future are profound. For the first time in history, a statewide campaign aiming at the recall of not merely a public official, but of the most powerful office holder in California — a huge state that is more like a nation when it comes to political organizing — could be coordinated and in large measure launched relying for the vital distribution of information and materials on an almost cost-free mass medium, the Internet. Moreover, on the "new media" front, support from dozens of conservative talk radio hosts around the state meant we were in virtually daily communication with more than 2 million conservatives. This New Media fusion produced more than 100,000 signatures the first 30 days.

At a conservative networking meeting the December following the election, Ted Costa approached me with his idea for recalling Gray Davis. I thought the idea was absurd.

The People's Machine author Joe Mathews did his homework, interviewing hundreds of key players in this first-of-its-kind political earthquake. I can vouch for the accuracy of Mathews' description of events in which I participated or about which I hold direct knowledge. That leads me to believe that the book is probably accurate throughout.

Readers of this review will know many of the individuals Mathews writes about. They may be surprised to learn what prompted Representative Darrell Issa to fund the signatures — and what events led to Arnold's declaration of candidacy when he was still sporting the Terminator haircut.

The ripples of the Arnold phenomenon continue to roil California's political waters. Mathews' book traces Schwarzenegger's political formation and entry into state and national politics, his victory in the 2003 recall, his early dealings and successes with the Legislature through the mashing Arnold received from the $164 million media barrage against him and his 2005 "Year Of Reform" initiatives.

It's clear from Mathews' book that even a savvy player like Schwarzenegger didn't understand the naked power of unlimited union spending, and Mathews explains why Arnold plunged more than $7 million of his own money into an ultimately failed effort to pass his raft of reform initiatives. I've never seen any governor work so hard for a losing cause.

NOW ARNOLD is back. Eviscerating Angiledes, co-opting Republicans and Democrats, business and labor, Indians and Latinos from mainstream Democrats, Arnold continues to be the center of attention. He doesn't like predictability. Joe Mathews understands this better than anyone. *The People's Machine* is destined to be the classic definer of the Age of Arnold. CPR

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First Things

Beauty

by John Kurzweil

I recall having heard — an inestimable time ago, as if in a former life — aging black jazz musicians (with whom I had in those days, from time to time, the honor to perform) lamenting what they saw as a steady decline in their own children's musical integrity. These men, some of whom had played with the likes of Count Basie and Duke Ellington, were chagrined and depressed hearing their children trying so hard to make sound like Jimi Hendrix, rather than to make music like Cat Anderson or Sonny Payne. It was more than just the loss of beauty; far worse was the apparent absence of self-respect inherent in settling for a superficial counterfeit "music" rather than demanding of themselves that they make the effort to achieve the reality.

Beauty is the sensible aspect of the First Things. Like them all (good, life, love, truth, *and* beauty), it occupies the realm of the real, and therefore is invisible until we escape the fantasy prison of self. Materialists say beauty is in the eye of the beholder — and, after all, what more *can* they say? It is color to a blind man: beauty can never be seen or heard or felt as an objective reality to one trapped in denial of his own spirit. Duke Ellington's poem "What is Music?", in his memoir *Music is My Mistress*, ends by making the same point in reverse: "Without music I may feel blind, atrophied, incomplete, inexistent." Inexistence — the final, tragic paradox of a desicated "realism" that begins by rejecting God as "unreal" and ends by rejecting everything, somehow managing to "embrace," as though it were something — nothing — like poor Jimi Hendrix embracing death in 1970 from an apparent overdose of sleeping pills. In the prison of the materialist ego, beauty *must* be in the eye of the beholder: where nothing is real, *nothing is real.*

Many years ago, *National Review* ran an article titled something like: "From Anonymous to Picasso" about the decline of art from the Middle Ages, when the most sublime works, such as Europe's great cathedrals, came to the world without signature. The point was the art itself, as observers interested in the real world around them understood. To fixate, or even pay much notice to, the artist *per se* is to miss the point, in the same way that it misses the point to blame the messenger who brings unwelcome news.

But in modern times, with men almost universally addicted to fantasy, the point is reversed. Now the *art* is irrelevant, only the signature matters. Picasso, I recall the *NR* article reporting, supposedly once told a friend "I could spit on the sidewalk and someone would frame it and sell it as priceless art because it was 'a Picasso'." Among the great send-ups of the modern interest in art and culture as no more than a crutch to ego is Mary Boland's magnificent performance (in the 1935 film *Ruggles of Red Gap)* playing one of fiction's great dilettantes.

The blithering Boland provides a stream of malapropisms, for instance complementing the refined English butler who says "Indubitably" by answering "What wonderful French you speak," and later seeking to impress the local society elites by talking of conversations with such VIPs as "the mayor of Canada."

But when the human spirit, which in fact *does* exist, rebels against the non-substance of such make-believe culture, materialism blocks the way back to beauty, leaving only nothingness, which, in art, means ugliness — accompanied often by self-parody. In 1917, for instance, Marcel Duchamp gave the world his "Fountain," a urinal he called art. Apparently not getting the joke, or perhaps getting it all too well, a December 2004 poll of 500 arts specialists in Britain declared "Fountain" the 20th century's single most important work of art. Fortunately, the century also produced Duke Ellington, who apparently missed the memo, and gave us the real thing.

Next: Into politics CPR

John Kurzweil is CPR's *editor.*

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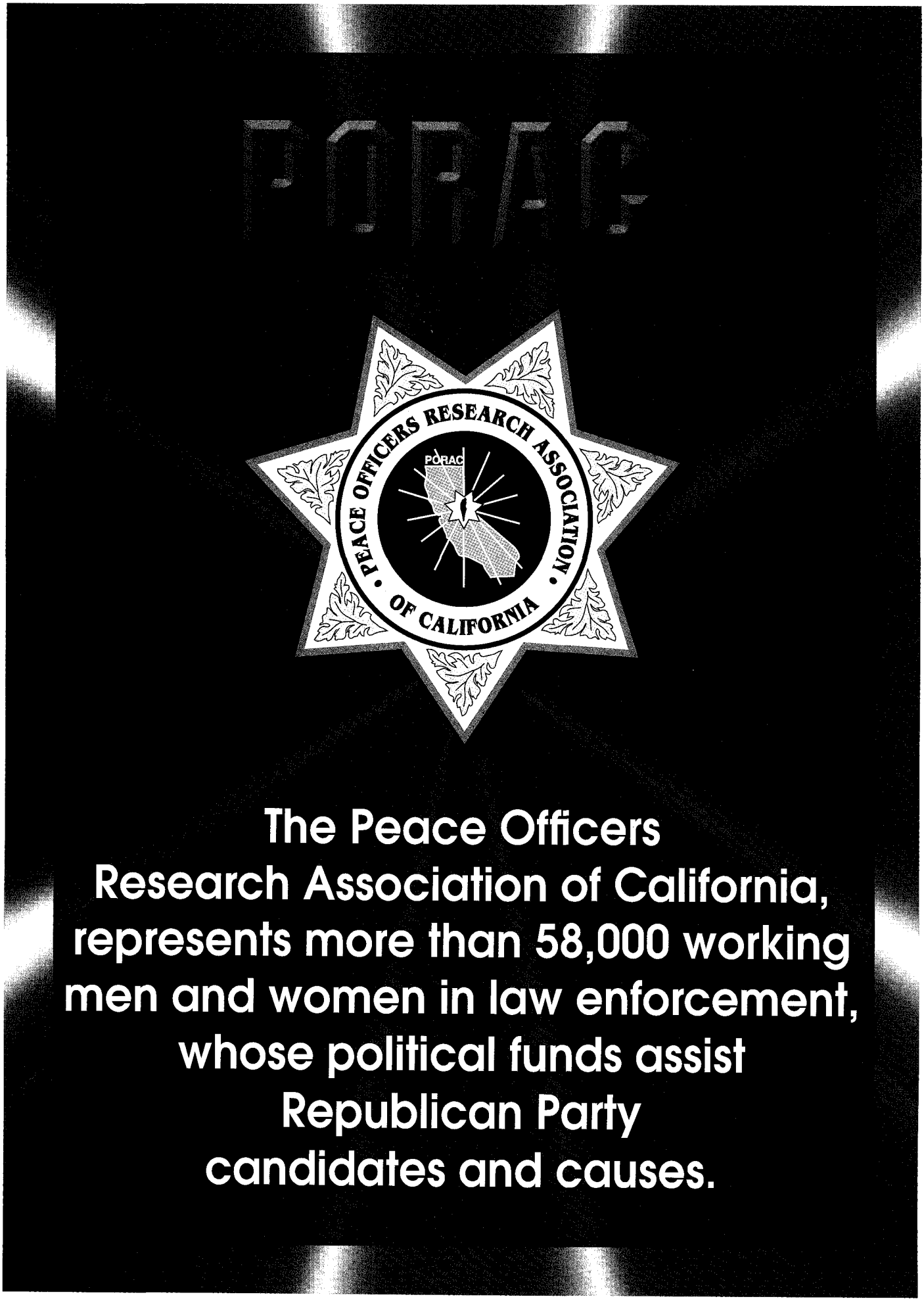

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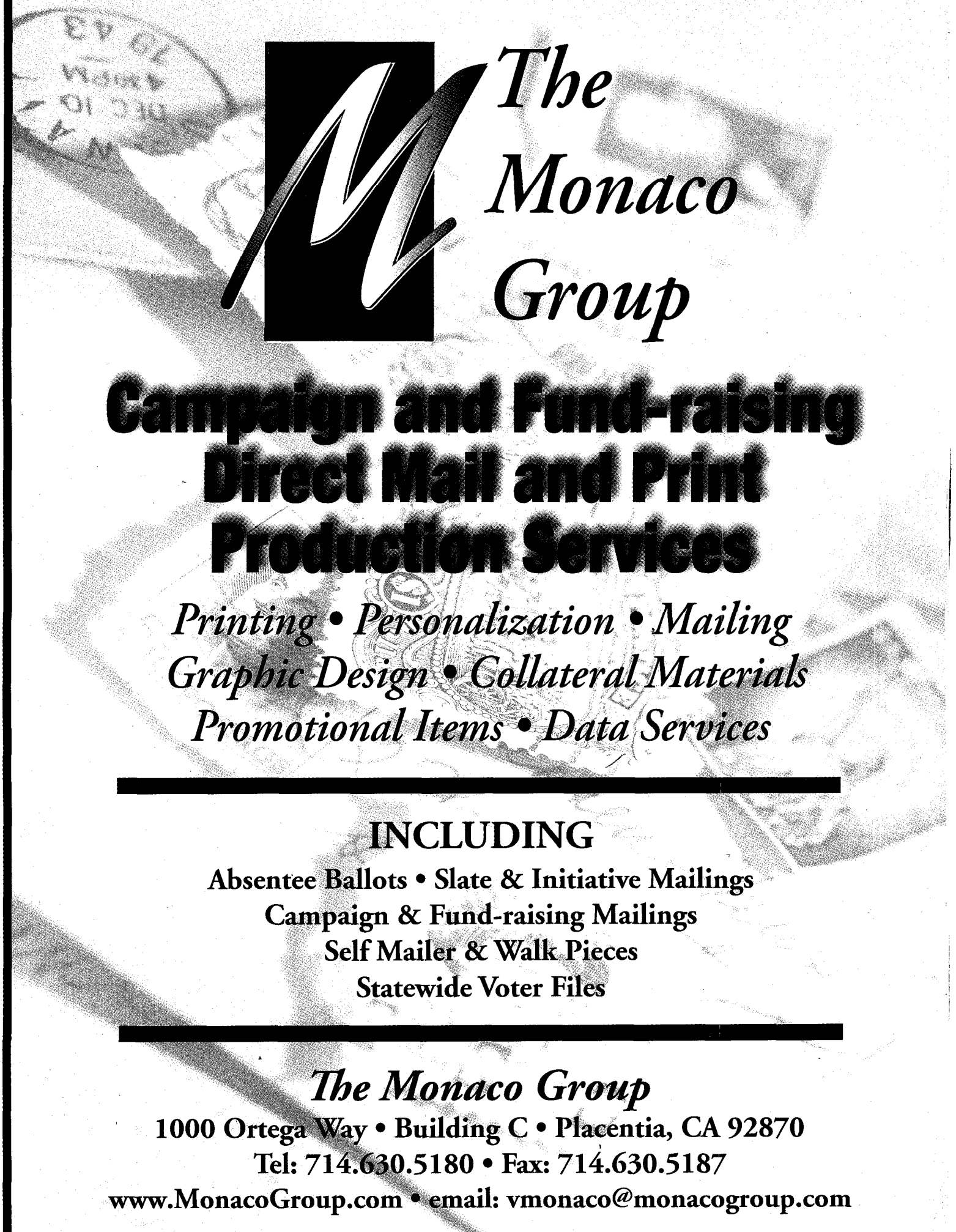
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